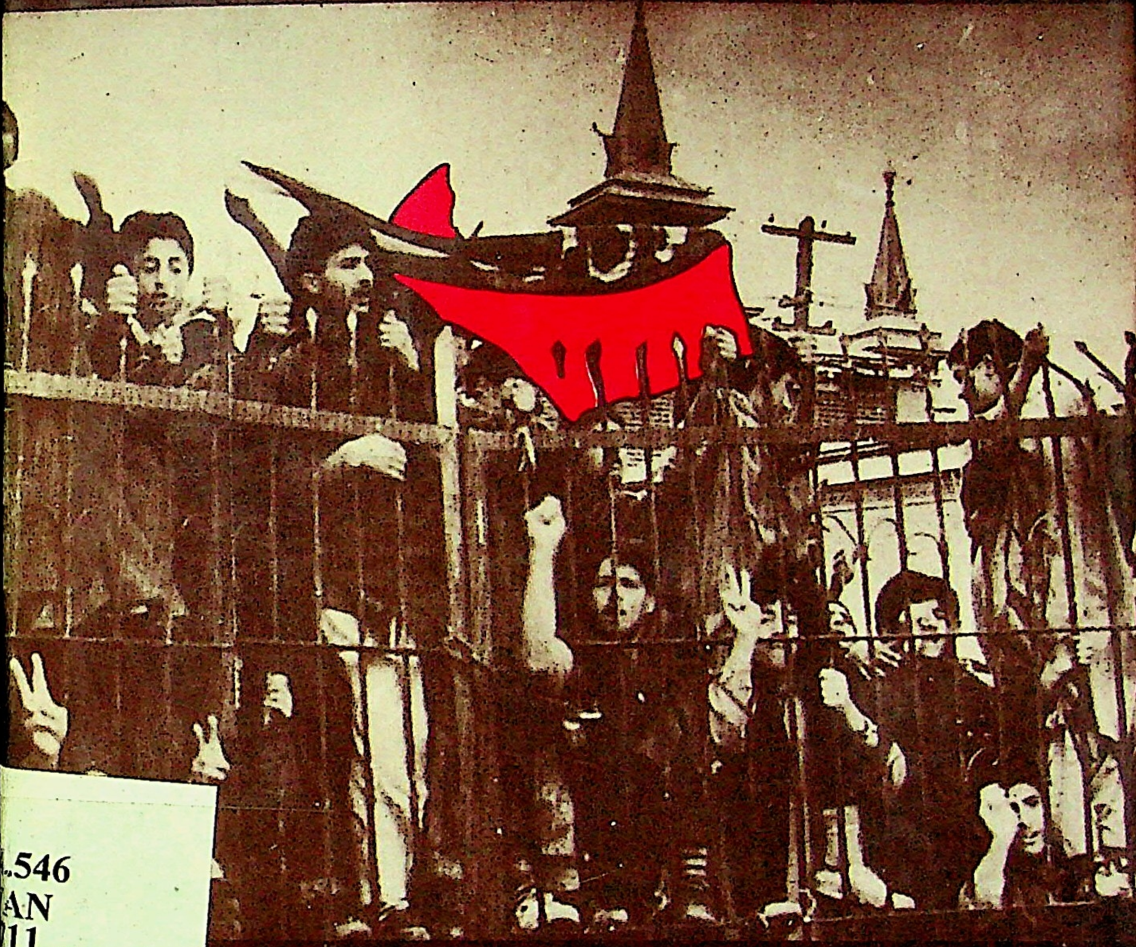
Reflections on

# Kashmir Politics



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Gull Mohd. Wani • Nasir A. Naqash

Kashmir, the Land of contrasts, by Virtue of its strategic position, literally balances the geo-Politics of the region. Covering an area of 84,494 Sq. miles, larger than sixty eight sovereign countries of the world and situated in the north of the subcontinent and in the heart of central Asia, it has border with Pakistan, Afghanistan, China and India.

In early thirties of this century, oppressed Muslim plebian masses in Kashmir State took up the challenge of 'throwing away' the feudal despotism of erstwhile Dogra Maharaja Hari Singh. The Kashmiris had not participated in any way for the last many centuries in the governance of the State. Their reassertion had become a historical necessity.

The actors in the partition of the subcontinent in 1947 acted in haste and which resulted in waste. Deepseated suspicions in the leadership of India and Pakistan obstructed the way of peaceful resolution of Kashmir problem. All this in an era of cold war rivalry between super powers made the problem more complicated.

The accession of Jammu & Kashmir State to Indian Union took place in exceptionally strange circumstances. Kashmir's Consummation with India proved very troublemsome, more so, for the people of Kashmir. The vehicle of Indian democracy did not cross through the Banihal tunnel. It is equally important that conflicting nature of claims of India and Pakistan over Kashmir and their inability to resolve the problem bilaterally sharpened the Kashmiri's sense of being an entity in itself.

ISBN 81-7024-580-X

ASHISH PUBLISHING
150/-

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Gandhi Memorial College
SRINAGAR
Acc. No: 1711 39 (III)
Dated: 1994

ASHISH PUBLISHING HOUSE
8/81, Punjabi Bagh
New Delhi - 110026

G.M.C.E.J
1711

**Published by:**

*S.B. Nangia*
for Ashish Publishing House
8/81, Punjabi Bagh
New Delhi - 110026
Tel : 500581, 5410924

**Showroom:**
5, Ansari Road,
New Delhi - 110002
Phone : 3274050

ISBN 81-7024-580-X

1993

© Authors

**Composed by:**

*S.S. Graphics*
UG-8, Ansal Chambers II,
6, Bhikaji Cama Place,
New Delhi - 110066
Tel : 6881521

**Printed at:**
*Efficient Offset Printers*
215, Shahzada Bagh Indl. Complex,
Phase-II, Phone : 533736, 533762
Delhi - 110035

*Dedicated*

*To the memory of known and unknown*
*sons and daughters of Kashmir who*
*have bravely fought*
*and have laid*
*down their lives for*
*the cause of freedom from*
*the earliest times to*
*the present.*

# PREFACE

This study purports to investigate and analyse the concept of Kashmiri identity from a purely political perspective. The survey of related literature reveals that the concept of Kashmiri identity has mainly been projected through constitutional and functional perspectives. That approach indulges in narration of events or simply in 'story writing'. The attempt to conceptualise the Kashmiri identity makes sense out of unconnected events and renders them intelligible and reduces the complexities of the universe to simple concepts and that attempts to explain the reality. The conceptualization of Kashmiri identity has been a neglected foci of academic investigation (notwithstanding laudable attempts by Shri Balraj Puri in this direction, but even his works fail to provide a comprehensive understanding of the political behaviour of the people of Kashmir). The thrust of our argument herein is that politico-constitutional deprivation has plunged Kashmir into the present crisis, that we postulate and posit as the phenomena of identity crisis.

The first chapter investigates and analyses the conceptual framework, that delineates and defines the concept of identity-formation and its historical locus standi. The survey of the related literature highlights that ethnic-identity formation is the offshoot of the on-going process of modernisation. However, we posit the argument that Kashmiri identity is neither the product of the modernization syndrome nor the mechanism of systems analysis, because the Indian political system never gained legitimacy (except for a brief span in the beginning of independence and during the Janata phase) due to the deliberate suppression of the regional aspirations as envisaged and enshrined in the concept of special status for Jammu and Kashmir state. Whereas, the managers of Indian political system nurtured and nursed the democratic and political process in the rest of the country, it is our opinion that all the experiments put to use in other parts of the country to pervert the electoral process with the help of Government machinery, political repression and money power were initially tried and tested in the laboratory of Kashmir. Kashmir was made

an arena of Governmental despotism. Even the architect of modern India (Jawaharlal Nehru) cannot escape from this blame.

The Kashmiri identity is the product of silent process of history, that has accommodated and accumulated various strands of Kashmir history and produced a confluence of culture which has been pre-eminently cosmopolitan in its ethos. The first chapter explores the phenomenon of identity-formation and the challenges it poses to the nation-building process, unless these ethnic-identities receive a right of expression and are not disrupted and alienated into the violence.

When the legitimate urges of an individual, a group or a people are thwarted and bulldosed, it finds articulation in illegitimate and illegal forms.

With the two variable syndrome postulated in the concluding lines of the first chapter (1, Regional, Linguistic and Cultural dimension; and 2, Religious urges and Pan-Islamic tendencies) we remunerate and mop up the pages of Kashmir history and highlight of how these two variables explain the ethos of Kashmir history. These two variables are invariably inter-dependent but like the Hizenberg's *Theory of Uncertainty,* while the one variable becomes certain in its appellation and application, the other variable becomes uncertain. The dominant variable of composite culture has been more or less an enduring attribute of Kashmiri identity, but has declined in contemporary times for reasons beyond the control of Kashmiris themselves. The second variable (Religious urges and Pan-Islamic tendencies) gained momentum, when the external agent of political, economic, administrative and cultural penetration deviated and distorted the Kashmiri identity.

The contemporary scenario reveals this fact to a discerning eye. The erosion of political, economic, social and cultural autonomy (the classicial notion of Market Colony, as applicable to the State in the words of one leader Shri Abdul Gani Lone or the Hechtor's position of *internal colonialism)* pushed the people of the state, notably the historically prized valley, on the path of alienation and revolutionary militancy.

The Kashmiri is neither a terrorist nor a coward (although Lawrence dubbs him as Zulum parast, but Lord Birdwood traces this cowardly disposition to ruthless subjugation of outsiders and some writers held that Kashmiri was once a 'feared warrior'. Dr. Iqbal epitomizes this fact in this Persian couplet.

"Dur Zamanae Suff Shaken Hum Boda Ast

Chira War Wa Janbazz Wa Purdam Boda Ast"

This means that Kashmiri was once a 'feared warrior', he was defined as brave and full of spirit. Even Jawaharlal Nehru acknowledges that Kashmir has had a past which distinguishes it from the rest of the country. The burden of our argument is that Kashmiri identity in contrast to Kashmiri personality (Kashmiri personality denotes the objective marks of identification like customs and costumes, names and nomenclature, like the prefix *Ghulam,* fairs and festivals, language and literature; Kashmiri identity, on the other hand, signifies subjective consciousness that articulates its social and political mobilization) possesses both academic precision and functional viability and is in no way the product of the package process of modernization. Therefore, the second chapter explores and excavates the evolution of Kashmiri identity.

The third chapter discusses the Partition of the Indian subcontinent in 1947 and the emergence of Kashmir problem. The estrangement of the Kashmiris with the Indian Union in the post-1947 period has been discussed. It is our argument that the Accord of 1975 could not re-establish trust and confidence between centre and the state. The politics of manipulation and, toppling regimes, continued confirming the doubts of the people of the state about an arrogant, colonial centre out to destroy the autonomy of the state.

Though the Janata Party had indulged in a bitter fight against Sheikh Mohammad Abdullah, it did have the decency to let Sheikh Abdullah remain in peace after he won his convincing victory. Even the 'Public Safety Act' that Sheikh Abdullah sprang on the people in October 1977 which was worst than 'MISA' stringent and even 'Fascist' could not create any tension between the centre and the state. After the assumption of power in 1980 by Mrs. Indira Gandhi, Sheikh Mohammad Abdullah was given a great provocation by the Congress-I. On one famous occasion, during a whirlwind tour of Jammu and Kashmir Mrs. Indira Gandhi attacked Sheikh Abdullah by name and said bluntly that minorities in Kashmir no longer felt safe.

The election of 1983 saw Mrs. Indira Gandhi conducting an aggressive campaign with a distinct pro-Hindu bias so much so that a leader like Lal Krishna Advani stated that Indira Gandhi played the 'Hindu-Card' in the

Jammu and Kashmir elections in 1983. The most offensive move launched by the Central Government was the toppling game in Kashmir, when the centrally imposed Governor (Shri Jagmohan) engineered a 'family coup' and installed Shri G.M. Shah ministry in power, although on a very narrow technical ground. This was followed by the Governor's rule and in 1987 Assembly elections. The main grouse of the people arose when these elections were blatantly rigged in favour of the alliance partners and the peoples' voice was muffled and muzzled in order to carry out central brinkmanship here. This has culminated in the present crisis.

. The book ends with a conclusion and three (3) appendices.

## Methods of Study

This book has been constructed on the basis of partly analytical, documentary and partly through the methodology of interview schedule. However, it also utilises the historical and taxonomic description. The interview schedule was based on selected sampling of Jammu, Kashmir valley and included the representation of major political and public figures. Besides a Questionnaire was also distributed at the middle and grassroot levels of political and public opinion. The sample consisted of 50 copies representing every strata of the society.

Our interest in the Kashmir studies began while pursuing post-graduate course in Political Science at the Kashmir University and two years of research contributed to this study. At the outset, we would, therefore, like to express our deep gratitude to Dr. G.M. Shah who has been always a source of inspiration to us. Without his guidance and encouragement this work would not have seen the light of the day. Our thanks to Dr. G.H. Khan, Dr. Saleem Kidwai and Mr. R.K. Bhat for their constant encouragement and best wishes for our academic pursuits.

In writing this book, we have undoubtedly acquired many debts. Our greatest debt is to our family members who have suffered the pangs of our separation while we were pursuing our research work. We are equally thankful to Dr. Balbir Singh (Head, Department of Political Science, Jammu University), Syed Ali Shah Geelani (MLA) and others who were kind to discuss with us certain aspects of present work.

Above all, we must acknowledge and even perhaps celebrate our long association (which now spans almost eight years) with two of our deeply

valued and highly esteemed friends, Mr. Nasir and Ms. Neelam Jan. Their contribution to our work has been significant, though difficult to specify accurately.

We are deeply indebted to Dr. Mohammad Sultan (Lecturer, Department of Economics) for providing us some data and to Mr. Peerzada M. Yousuf (Lecture, Department of Zoology, Degree College, Baramulla) for his kind help and encouragement at every stage, in the preparation of this work. We should also like to thank our hostel friend Dr. Zafar A. Reshi, Dr. Shabir A. Qadiri, Mr. Manzoor A. Khan, Mr. M. Yaqoob Baba and Mr. Javid Hussain for their encouragement.

Finally we cannot conclude without acknowledging our profound gratitude to Mrs. Rafiqa (Senior Assistant in the Department) for rough typing and to Mr. Nazir Ahmad for final typing of the book.

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# Chapter One

## Background to the Study : A Conceptual Framework

The concept of Nation-State[1] emerged from the debris of industrial revolution. It owed its origin to the social and economic upheaval that collapsed the classical notion of Hegel's State as the 'march of God' on earth or Hobbes' attempt for the absolutism of monarchy. There was a shift of loyalty from monarchies to territorial nationalism. Thus Nation-State has, by and large, been accepted as the givens of human situation.

During recent years a large number of Nation-States, both in the developed and the developing world, have experienced a novel dimension of societal conflict unforeseen till recently by the analysis and prognosis of modern social science. This phenomenon is closely linked with the politicisation of ethnic, religious and cultural identities in the wake of the ongoing process of modernisation and development. As such this conflict has been more pronounced in states with a heterogeneous population. The intensity and persistence of such "ethno-political conflict" has disrupted the political processes in a large number of countries and brought into sharp focus the problem of unity and integration of Nation-States particularly in the Third World.

A large body of literature on ethnic conflict, centre-periphery tensions and territorial politics has appeared during recent years.[2] Scholars have attempted to delineate the factors responsible for this ethno-political

conflict and understand its implications for the process of nation-building.

The contemporary focus on the origins, composition and character of the modern state have dealt with two sets of issues. One set concerns the question of relative independence or dependence of the modern state upon the units which it encompasses, the units being individuals and interest groups for some theorists, classes or ethnic groups for others. The second set of issues focusses on whether the modern state is to be seen as a promoter of equality and distributive justice or as a promoter of uneven development among regions, classes and ethnic groups and a distributor of privileges.

The contemporary theories of the modern state can be broadly distinguished in terms of whether or not they see the state[3], as an arena, as an instrument of group domination, or as a relatively autonomous entity with interests and strategies of its own. In the interest group perspective, the state is seen as a largely neutral arena of interest group conflict. The results of such conflict may be that the state adopts policies, distributes resources or creates agencies specifically of relevance to particular categories of the population. Those policies, resources and agencies themselves may then become catalysts for further interest group organisation. The state then in the group pluralist approach is seen as both a responder to the demands of organised groups in the society and as a precipitator in the formation of new groups, including ethnic groups. However, the state is not in this perspective a force that acts independently to prevent the organisation of particular groups or to facilitate the organisation of others.[4] The state is viewed neither as dominated by the groups that contest in its arena nor as an autonomous force in relation to them. Rather, it is seen as a more or less neutral agency whose policies are the products of the encounters of groups in conflict. A more serious criticism of the group pluralist conception of the state as a neutral arena arises from the fact that even in the liberal-democratic states, access of groups to policy-making is often selectively controlled.[5] In many cases, particular interest organisations succeed with the help of state, in capturing virtually monopolistic control over some policy areas for long periods of time.

In the classical Marxist view, the state is not only partial rather than neutral, it is the instrument of one class, the bourgeoisie in its struggles with proletariat. It is "an organ of class domination, and organ of

oppression of one class by another".[6] This classical Marxist view of the state has been modified considerably in recent years by two groups of theorists working in the Marxist frame of reference. One group of neo-Marxist, including such writers as Althusser, Habermas has moved to the view that the modern industrial non-communist state is not simply a product of the class struggle but is a relatively autonomous force.[7] In this view, the managers of state apparatus develop interests of their own, particularly an interest in maintaining their power and control which may lead them to act independently of or even against the wishes of the dominant bourgeoisie groups.

The second group of neo-Marxist theorists, those associated with the core-periphery and internal colonial perspectives particularly, have modified the classical Marxist position in another direction by bringing the ethnic struggles to the forefront. The first group of neo-Marxists have noted that the modern capitalist state has played a protective and even an emancipatory role in relation to some minority and disadvantaged groups but their spokesmen have ignored or treated only in the most peripheral way the roles of ethnic groups generally in the modern state. The second group of neo-Marxist theorists, however, have gone much further and have argued in fact that under present conditions, ethnic group struggles are more pervasive and salient than class struggles. The reason for this state of affairs is that the capitalist world economy and imperialist state expansion have led to a differential distribution of state resources and valued employment opportunities among ethnic groups.[8]

Although the core-periphery and the internal colonial theorists do not take up directly the issue of relative autonomy of the modern capitalist state, the implications of their position can only be that its autonomy is restricted in two ways. It is embedded externally in a world economic system in relation to which it cannot act independently.[9] Internally, it is dominated by minority or plurality ethnic groups engaged in the differential distribution of privileges. For Wallerstein, the essence of the modern state is not its relative autonomy but its role as a distributor of privileges and a differentiator among ethnic groups. In another formulation by Hechtor, the modern capitalist state is an upholder of a "cultural division of labour" that distributes valued jobs and economic development unevenly in such a way that the core region of the country controls the best jobs while the peripheral regions are dependent upon the core and the ethnic groups that inhabit those regions are confined to the least skilled and prestigious jobs.[10]

Literature on systems analysis and political development is replete with the assumptions that ethnic pull is basically pre-modern phenomena, implying thereby that primordial loyalties tend to be road-blocks in the path of national integration, the maintenance of political order and modernisation.[11]

Such generalisations, however, tend to be inadequate in explaining the complex dynamics of ethnic conflicts for three reasons. First, the persistence of ethnic loyalties and the phenomenon of ethnic nationalist demands on the central authority is not unique to the developing world but is also prevalent in some urbanised modern states.[12] Second, there seems to be a general tendency to view ethnic conglomerations as monolithic groups. While a certain degree of distinctiveness and exclusivity has been the hallmark of ethnic groups, they contain vertical and horizontal divisions which are as like to reinforce each other as to cancel out.[13] Finally, the modernisation-integration theorists tend to underplay political factors which, particularly in the economically backward Third World countries, assume a critical significance.

Ethnicity[14] exists in two varieties. One is the ethnic-consciousness of the scattered minorities in heterogeneous states, who, however, do not pose a threat to the territorial integrity of the state. The other variety is the existence of ethnic groups in concentrated geographical areas. It is with the second variety of ethnicity that we associate political behaviour of Kashmir. This constitutes an independent variable because it mobilises the people into protest movements. However, the internal colonial syndrome or the economic deprivation does assume a measure of political importance but we bracket it here within the dependent variable. The reason being that social and economic deprivation in itself does not produce political reverberations or help mobilising the people into protest agitations. Similarly, the communal or Hindu chauvinism in India does not by itself precipitate any political crisis, although it causes a measure of concern. The first and fair election conducted in the history of Kashmir was that of 1977. Article 370 of the Constitution of India was the major issue during electioneering. The nature of campaigning and canvassing revolved around it. It symbolised the ethnic consciousness of Kashmiri people, notwithstanding the dormant fear of 'Hindu domination'. With the passing away of Sheikh Mohammad Abdullah, the centre-state relations underwent a grave crisis. The aggressive electoral strategy conducted by Congress-I in course of elections of 1983 reinforced this fear which galvanized the people towards Dr. Farooq Abdullah. Later, this

fear articulated into an open protest thereby highlighting the underlying sentiments of ethnic consciousness of Kashmiri particularism in the elections of 1987.

This book purports to investigate and analyse Kashmiri Identity within the framework of ethnic-identity formation.[15] Ethnic-consciousness derives its strength and sustenance not so much from the ongoing process of modernization but from the geo-political and historical background. The ethnic identity formation has developed due to the silent process of history and as such possess both academic precision and 'functional viability'. It has its roots buried deep in the ethos of Kashmir history.

The investigation of the Kashmir history brings into sharp focus the existence of two-variable syndrome. These variables are inter-dependent and these highlight the varied shades and nuances of Kashmiri political behaviour. These are (1) Linguistic, Regional and Cultural dimensions; and (2) Religious urges and Pan-Islamic tendencies.

The first variable may as well be described as the composite cultural variable. This variable reflects the composite culture of Kashmir, which is identified by G.M.D. Sufi. He writes: "The cult of Buddha, the teachings of Vedenta and the mysticism of Islam through Persian sources have one after the other found a congenial home in Kashmir."[16]

The second variable is purported to connote the pursuit of genuine and legitimate religious urges, that are divorced from any type of politicisation. However, when these urges are or have been suppressed (as in contemporary times) this has led to the development of Pan-Islamic tendencies that borders on separatism and assertive militancy. The political history of Kashmir is replete with instances of suppression of legitimate religious urges and has at present aroused the articulation of a strong and popular protest.

The second and third chapters are devoted to the operationalisation of the two-variable syndrome.

## NOTES AND REFERENCES

1. A central trend of the twentieth century has been the universalization of the nation-state form of political organisation. Virtually all territorial space (not to mention a dramatically extended offshore zone) has now been compartmentalized into sovereign units, which in large measure replicate the

institutional forms and jural-philosophical precepts of the particulàr species of states which became dominant in nineteenth century Europe. The array of 150-odd flags outside the U.N. Headquarters in New York, and the semiology of the discourse within its glass and concrete towers aptly portray the globalized reification of this contemporary pattern of human organization.

Cited in Paul Brass, *Ethnic Groups and the State*, (Croom Helm Ltd., Provident House, Row Burrell, 1985), p. 59.

2. Important studies on the subject are :
   * Milton J. Esman, *Ethnic Conflict in the Western World* (1977).
   * Stein Rokkan and Derek W. Urwin (eds.), *The Politics of Territorial Identity* (London, 1982).
   * Anthony Birch, *Minority National Movements and Theories of Political Integration* (1978).
   * K.R. Bombwall, "The Nation-State and Ethno-Nationalism" (1983), *Punjab Journal of Politics*, Vol. VII, No. 2. July-Dec.
3. Paul Brass, *Ethnic Groups and the State* (Croom Helm Ltd., Provident House, Burrel Row, 1985), p. 3.
4. Alfred Stephan, *The State and Society: Peru in Comparative Perspective* (Princeton University Press, 1978), pp. 11-14.
5. *Ibid.*, p. 16.
6. V.I. Lenin, *State and Revolution* (New York: International Publishers, 1932), p. 9.
7. Cited in Paul Brass (Fn. 3), p. 4.
8. Immanuel Wallerstein, *The Capitalist World Economy* (Cambridge University Press, 1979), p. 187.
9. See for example, Immanuel Wallerstein, "The World System: The states in the institutional vertex of the Capitalist World Economy", *International Social Science Journal*, No. 4 (1980), pp. 747-748.
10. Michael Hechtor, *Internal Colonialism: The Celtic Fringe in British National Development* (London: Routledge and Kegan Paul, 1975).
11. Literature on systems analysis and political development is replete with such assumptions. See, for instance, Talcott Persons, 'Some theoretical considerations on the nature and trends of Ethnicity', in Nathan Glazer and Daniel P. Moynihan, eds. *Ethnicity: Theory and Experience*, Cambridge, Man, 1975, pp. 56-71.
12. Cited in David Taylor and Malcolm Wapp, *Political Identity in South Asia* (Curzon Press Ltd., London and Dublin, 1979), p. 191.

13. P.C. Mathur, "Loyalty-Pyramid of the Indian State: A Diagnosis of the Political Implications of Multiplicity of Social Identities", Plural Societies 6, 4 (Winter 1975), pp. 25-36.

14. Roger Scrutons, 'A Dictionary of Political Thought', defines Ethnicity as:

    "The desire to conserve or recapture a political identity based upon race, region or any tradition which has its rationale in membership of an ethnic group — a group in terms of blood relation, language and regional attachment."

    Peer Giyas-ud-Din, *Kashmir Times*, Feb. 19, 1989.

15. We view the process of ethnic-identity formation as a movement from an ethnic category to an ethnic-community, from a merely objectively distinct cultural cluster of people to a subjectively conscious social formation.

16. G.M.D. Sufi, *Islamic Culture in Kashmir* (Light and Publishers, New Delhi, 1979), pp. 19-20.

# Chapter Two

## Kashmir Politics : A Historical Perspective

One fundamental attribute characterising Kashmiri behaviour is its ethno-centricism. Ethnicity permeates beyond the horizon of Kashmiri personality to that of Kashmiri identity. This identity, unlike the rest of the subcontinent, not only possesses objective marks of identification but is subjectively conscious of its evolution. While scanning the pages of Kashmiri history, the inevitably multi-faceted dimensions of its composite culture emerge and influence the course of its history.

This composite cultural mainstream can be broken into two variables that interact with each other and avoid falling into the extremes of either regional chauvinism or religious intolerance. These dimensions are: 1. the regional, linguistic and cultural dimensions; and 2. Religious urges-cum-Pan-Islamic tendencies.

Kashmir is noted for its beauties and bounties. It has been for centuries the object of attention of poets, painters and philosophers. Its beauty has been immortalisd by Francis Younghusband in these words, "The beautiful Greece, with its purple hills and varied contour, its dancing seas and clear blue sky, produced the graceful Greeks. But Kashmir is more beautiful than Greece. It has the same blue sky and brilliant sunshine, but its purple hills are on a far grandeur scale, and if it has no sea, it has lake and river and still more impressive snowy

mountains."[1] All these beauties of Kashmir have also been the causes of its outside intervention in course of her history. The Tartars and other Hindu princes, the Mughals, the Durranies of Kabul, Ranjit Singh the Sikh and finally Gulab Singh the Dogra have successively subjugated this beautiful land. Its culture has been essentially eclectic, drawing its strength and sustenance from varied sources, influencing and getting influenced by these forces at work.

## KASHMIR IDENTITY IN ITS HISTORICAL PERSPECTIVE

The composite cultural syndrome represents all that is eternal human and universal in its appellation and application. It has developed through the silent process of history rather than been imposed from above. The development of a rich language as the admixture of Sanskrit and Persian highlights the historical connections of Sanskritised Hindu period and the latter Muslim period. The other component of composite culture is the development of literature that reflects the little and great traditions of the subcontinent. The third component is a culture of that has been particularly free from dogmatism and obscurantism, excepting the hard core apostles of Brahmanical order who preserved and reincarnated the caste consciousness of Brahmanism.

The Vedic Brahmanism exhibited the features of caste structure and the highly abstract and unreal nature of this world. The consequences of its degeneration led to a clash of Brahmanism and Buddhism, wicked Rajas and vicious Ranis and the lack of character among officials appear to be the most noticeable. The disruptive factors of debauchery and intrigue were paramount. To these have to be added the neglect of the army owing to a sense of security from the natural barriers of the country. Intrigues and rebellions were common and rulers were puppets in the hands of powerful ministers who thought of self rather than the weal and welfare of the land of their birth.[2]

Kashmiri Shaivism known as Trika philosophy[3] is a type of idealistic monism (Advaita). It made its appearance in Kashmir at the beginning of the 9th or perhaps towards the end of the 8th century of the Christian era. The conflict between the Buddhism and Brahmanism had been resolved by the most intelligent method of fusion of the two cultures which flowered in the Shaivite philosophy, containing positive achievements of both. The acceptance of the new philosophy by the intellectuals as well as by the masses resulted in the rout of the reactionary Brah-

manism. This system of thought is the outcome of the blending of the Vedic and Buddhistic cultures, a synthesis of the essential elements that are to be found in almost all the Indian philosophies plus the knowledge gained by the Kashmiri thinkers with their own speculations and experiences.[4] Shaivism was founded by Vasugupta in the 8th century A.D. Essentially, an idealist philosophy it does not altogether deny the objective reality of the world as does the Vedanta and the Maya Veda of Shankira. For nearly 600 years from 8th to the 14th century, the Trika guided the Kashmiris in shaping their personal lives as also the public affairs.

In terms of ideas and religious movements, Kashmir proved to be a melting pot. Ancient Kashmir produced an intellectual explosion comparable only to the Greek experience. Equipped with a high degree of intellect and a store of knowledge Kashmir received every new creed with discrimination and enriched it with its contributions, without throwing away its early acquisitions. At the time of advent of Islam in Kashmir, it had imbibed the devotionalism of Vaishnavism, renunciation and non-violence of Buddhism and Monotheism and Monism of Shaivism. Islam was accepted by Kashmiris not as a negation but as a culmination of a proud spiritual heritage. Islam made its way into Kashmir, says Stein, "not by forcible conquest but by gradual conversion, for which the influx of foreign adventurers both from the South and the Central Asia had prepared the ground."[5] Though individual conversion had been going on for some time, particularly after the local ruler Rinchen embraced Islam in 1320, Hazrat Amir-i-Kabir Mir Syed Ali Hamdani, "one of the most remarkable personalities of the 14th century Muslim world[6], is regarded as the real founder of Islam in Kashmir at a time when, in the words of Lawrence, "Kashmir in the reign of Simha Deva (1305 A.D.) that is previous to the advent of Islam," was a country of drunkards, gamblers and where women were no better than they should be".[7]

Sultan Sudre-ud-Din (Rinchen Shah) was the first Muslim ruler of Kashmir who is believed to have actually owed his conversion to Bulbul Shah in the beginning. At any rate, Islam was never introduced into the valley by a conqueror but by a simple Faqir (Bulbul Shah). This work was taken up and continued by Faqirs. Thus the great prophet who took pride in Faqr, found Fuqara (Faqirs) to propagate his faith in the valley of Kashmir.[8]

The rule of Muslims came as a blessing not only politically but intellectually and spiritually. Politics had dehumanised the Kashmiris.

Islam made them men again. Had Kashmir not adopted Islam and the Muslim rule in the 14th century it is difficult to say what would have happened to it. It might have perished.[9] By coming into contact with a new culture and civilization as a result of the Muslim rule, Kashmiris extricated themselves from the morass in which they had fallen and in which they were sinking deeper and deeper.

In the 14th century Islam like the Buddhism in earlier times revolutionised the social life of the people. The stiff and strong opposition to Islam by the orthodox Brahmins on the one hand and its critical appreciation by the Shaiva philosophers on the other finally resulted in the emergence of a new composite culture which may be called religious humanism. The first apostle of this creed was hermitess Lalladed who laid the basic principles of the culture in her sayings, Lalla Vakyani. Her illustrious disciple was Sheikh Noor Din or Nund Reshi, who is the national saint of the Kashmiris. The peaceful and rapid conversion of large masses to Islam was facilitated by the spread of the cult of religious humanism.[10] Islam as practised in the valley, though it surely stands on the basis of the cardinal principles taught by the Quran, has been deeply influenced by the ancient Kashmiri culture. Even after their conversion to the new faith, the Kashmiris did not altogether abandon the ways of life and mental outlook that their forefathers had cultivated through thousands of years of their history. A Kashmiri Muslim shares in common with his Hindu compatriot many inhibitions, superstitions, adolatrous practices as well as social liberties and intellectual freedoms which are unknown to Islam. "I attribute much of the delightful tolerance which exists between the followers of the two religions chiefly to the fact that the Kashmiri Muslims never really gave up the old religion of the country."[11] The Encyclopaedia Britannica corroborates this, "the great majority of the inhabitants of Kashmir are professedly Mohammadans but they are still strongly influenced by their ancient superstitions".[12] Of course Islam in its turn has also not left Hinduism and its followers unaffected in the valley. Lawrence wrote that Kashmiri Brahmans did things that would horrify the Orthodox Hindus. "They will drink water brought by a Musalman; they will eat food cooked on a Musalman boat, the foster-brother often obtains great power in a Hindu household. Maharaja Gulab Singh did his utmost to stop the practice of drinking water brought by a Musalman and severely interdicted the eating of cheese. But it was to no effect."[13]

The first votary and apostle of religious humanism in Kashmir was the hermitess 'Lalla'. From early in life she refused to conform to the established traditions, dogmas and rituals of Brahmanism. Having assimilated the basic teachings of both Shaivism and Islam, she became the harbinger of the resurgence movement in Kashmir. 'Lalla' was fully conscious of her historic role as the prophet of resurgence in Kashmir. She knew that the dynamic philosophy she was preaching and a composite culture that she was founding were bound to open an era of human brotherhood in Kashmir in which the differences of caste and creed, birth and position would be meaningless. She declared,

The time is coming when seven generations
will sink to hell
When ultimate showers of rain and dust will fall
When plates of flesh and wine cups
Brahmans and Sweepers will take together.

'Lalla' was the spiritual progenitor of 'Nundreshi' whose role as a wall of Islam was anticipated by Syed Hamadani himself and formally recognised by his son, Mir Mohammad Handani, through a written letter from 'Mecca' in 1425.[14] Dr. Rashid Nazki believes that his "Kalam is regarded by devout Kashmiris as Kashmiri Quran".[15] Lalla was the vital link between 'Nundreshi' and the pre-Islamic tradition of Kashmir. She herself had combined the ascetic, devotional and Monoist strands of that tradition as also the sufi influence. She was the first poet of Kashmiri language and perhaps the first religious personality to communicate directly to the people in their language.

Relations of 'Lalleshwari' and 'Nundreshi' have a special spiritual and symbolic significance. It is said that while he refused to take the milk of her own mother he drank it from the breast of 'Lalleshwari'. He grew up in her spiritual patronage and acknowledged her pre-eminence as a spiritual heritage of Kashmir and undertook to carry it ahead. In this sense Muslim Reshis of Kashmir represent continuity of its tradition. They introduced Islam not as a revolt against or as a destroyer of the tradition as is the case in many parts of India, but as a preserver, consolidator and perpetuator of the traditions.

If tolerance for other people's wills, encouragement to independent thinking, patronage of learning, respect for all religions, refuge to the persecuted and equal justice for all are the distinguishing features of the

cultural heritage of Kashmir, it is unquestionable that Zain-ul-Abdin (Budshah) was the most representative king during the medieval times to represent that culture in himself. It is well known that, "he was not only a patron of Sanskrit learning, he used to go on pilgrimage to the ancient Tirthas of the valley".[16] He was a real Kashmiri who built a progressive state on the foundations of the composite Kashmiri culture which had been evolved thousands of years till his own day.

Both 'Lalla, and Sheikh Noor-ud-Din's mystic poetry contributed to a great deal to the evolution of the idea of Kashmiri culture. In fact, the Kashmiri mind began to develop and grow healthy with the birth of Kashmiri poetry[17] during the Sultanate period (1320-1586). Kashmir gave a new dimension to the Islamic mysticism (Tasawuf) in the form of the Rishi movement started by 'Nundrishi'. It is due to the influence of his ideas that the orientation of an average Kashmiri Muslim is Sufi to a remarkable degree. The Sultanate period in Kashmir is known for the cultural achievements in the field of arts and crafts, architecture, calligraphy, music, literature, poetry. But more than that it was marked by the emergence of regional and cultural personality consciousness. The two great Kashmiris of this period, 'Lalla Ded', a Hindu Yogini, and 'Sheikh Noor-ud-Din Wali', a Muslim saint, may be described as the fountainhead of the ideology which in our own times is beginning to develop in the form of Kashmiryat.[18]

## DIMENSIONS OF KASHMIRI IDENTITY

During their long period of independence, isolation and solidarity, the people of Kashmir developed a unique culture making everlasting contribution to learning and literature. Apart from the Sanskrit learning, poetry and prose, the branches of learning that received most valuable contributions from the early forefathers of the Kashmiris were prosody, grammar, Buddhist philosophy, medical sciences, etc. Out of the 16 most famous rhetoricians of India, Kashmir has produced 14, and the rest of India only two.[19] Kashmir can claim the distinction of being the only region of India which possesses an uninterrupted series of written records of history, observed Stein. It has also been one of the biggest seats of Indian culture and learning which, in the words of Jawaharlal Nehru, has "dominated the intellectual scene of the country for almost two thousand years".[20]

Koshur — as the language is called by the Kashmiris — has at least six hundred years old recorded literary heritage if 'Lalla Ded' is considered the earliest Kashmiri poetess who was born in 1335. Wherever Islam had gone, it has had an extraordinary influence over the languages of the land and its script. A note of dissimilar process has taken place in Kashmir. The original Dardic language has supplied the skeleton, Sanskrit has given it flesh but Islam has given it life.[21]

Connected with the formal literature, though not a part of it, are the subjects of folk-tales and proverbs. Kashmir is the land of proverbs and common speeches profusely in them. Kashmir is celebrated for its folk-tales. Not only are some familiar in every home, but there are also professional reciters who make their living by telling fairy-tales, worthy of the Arabian Nights.

The true people of Kashmir valley are physically a fine race, the men being tall and well-built. Lively and intelligent, the people of the valley are full of fun, and fond of amusement. Numerous explanations have been advanced to account for their origin. Bernier says: "On entering the kingdom after passing the Pirpanchal mountains, inhabitants in the frontier villages struck me as resembling Jews."[22] They are distinctive from the dark men of the hot plains in both India and Pakistan.

The climate of the valley until the end of May is similar to that of Switzerland. The old men of the valley declare that the climate is changing and they are very positive that there are now no such winters as they remembered as boys. In Maharaja Gulab Singh's time the snow was up to a man's shoulders, in Maharaja Rambir Singh's time up to the knees but now winters pass without any fall of snow.

Mohammadan architecture in Kashmir, broadly speaking, says Mr. W.H. Nicholls,[23] falls under three heads, the pre-Mughal masonry style, the wooden style and the pure Mughal style. A very distinctive style is that of the wooden architecture of Kashmir of which not much is known to the outside world. It owes its origin to the Muslims. As a whole "I think that the Kashmiri architecture with its noble fluted pillars and its vast colonnades, its lofty pediments and its elegant trefoiled arches is fully entitled to be classified as a distinct style".[24]

An overwhelming majority of the people in the valley profess Islam. Kashmiri Muslims are tolerant towards their Hindu brethren.[25] The Muslim population of the valley is divided into Sunni and Shia sects, the former being in a preponderating majority. Lawrence points out in this

regard, "The Sunni Muslims do not strike me as jealous or earnest in the profession of their faith ... the holy men from Arabia have spoken to me with contempt of the feeble flame of Islam which burns in Kashmir and the local Mullahs talk with indignation of the apathy of the people."[26] The Brahmans popularly known as Kashmiri Pandits form a distinct class of their own and are considered to be the purest specimens of the ancient Aryan settlers in the valley. According to one estimate, there were nearly three lakh Kashmiri Pandits in Kashmir in 1947. The Pandits claim that only 70 thousand now have been left in the state.

The Sikhs of Kashmir are a few in number and some doubt exists that as to how they established themselves in the valley. "Judging from what I saw of ... I should say that the Sikh community of Kashmir was feeble and effete. They have few qualities which one associates with the Sikhs of Punjab and are neither brave nor browny."[27]

Within the valley dwell the people, known as Kashmiris distinct from their co-nationals of the distinct inaccessible areas, a gentle friendly people of little stamina who in trouble bark loudly, but who seldom really bite.[28] That great sage of modern Islam, Sir Mohammad Iqbal, himself a Kashmiri, in shame and sorrow wrote of the plight of his people, "the Kashmiri has come to hug slavery to his bosom ... a stranger to the dignity of self-ashamed of his ego".[29] The Kashmiri people are doubtless, physically the finest of all the races that inhabit the territories we are dealing with and I have not much hesitation in saying that in size and in feature they are the finest race on the whole continent of India. Their physique, their character and their language are so marked as to produce a nationality different from all around as distinct from their neighbours as their country is geographically separated.[30] The Kashmiri youth who are the backbone of the present militant movement have white-washed all earlier accounts of their character.

The articulation and the flowering of the Kashmiri identity in course of Sultanate period has been vividly described through the composite cultural mainstream that revealed the dynamics of Kashmiri behaviour. The cult of Buddha, the teachings of Vedantas and mysticism of Islam through Persian sources have, one after the other, found a congenial home in Kashmir.[31] All these strands of different religious philosophies had already produced a confluence of culture at the advent of Mughal occupation of Kashmir.

## KASHMIRI IDENTITY AND THE MUGHALS

About the middle of the 16th century, Islam faced a great crisis in Kashmir due to Shia-Sunni discords, feudal and tribal rivalries and conflicts leading to the chaos in the country. This was taken advantage of by Emperor Akbar to annex Kashmir. From 1586 to 1587, the valley passed from the period of Sultans of Kashmir into the period of Mughal Emperors. One result of the establishment of the Mughal rule in Kashmir was that it brought peace, law and order to the land which had been torn by internal dissensions. It goes to the credit of Mughals that they treated Shias, Sunnis and Hindus on an qual footing.

But there is another side to the picture. As a result of Akbar's invasion, Kashmir lost its separate identity and became a part of the Mughal Empire. Kashmir which had culturally progressed under the independent Sultans was now intellectually impoverished because of the absence of local patronage. Poets, painters, and scholars were thus compelled to leave the valley and seek employment at the Mughal court. The Kashmiri ruling families of the Chaks, Magres, and Rainas were replaced by a hierarchy of Mughal officers who were responsible for the administration of the country. Even Aurangzeb had to admit in a letter to Prince Muazzam that "to be a Kashmiri was one of the disqualifications".[32] It is also necessary to note that the vilification of the Kashmiris started from the time of the establishment of the Mughal rule in Kashmir. Kashmir, says T.H. Hendley, some time Vice-president of the Bengal Asiatic Society, "in a past age was inhabited by brave men but the Mughal conquerors broke their spirit ... of measures by which they effected this end was, it is commonly believed, by compelling the men to wear the overdress of the women, the long cloak which impedes their movements."[33] The Mughals forbade recruitment of the Kashmiris in the armed forces. By another step the Mughals arbitrarily deprived the Kashmiris of the ownership of their land, the emperor was declared as sole proprietor of all cultivable land in the valley and the Kashmiri landlords were entered in the revenue registers as tenants.[34] Yousuf Shah Chak has been described as a 'national hero' of Kashmir who fought the Mughal imperialism in order to save the honour, integrity and independence of Kashmir.[35]

## KASHMIR UNDER PATHANS

The successors of Aurangzeb indulged in court intrigues and internecine quarrels, that paved the way for the ultimate weakening of the central power. This decline in central power generated the revolts inside the Mughal state. The raising of the Maratha power and the development of Khalsa power further eroded the Mughal state. Naturally, some Kashmiri nobles invited the Kabul warlord Ahmad Shah Abdali to invade Kashmir. Later, he got the opportunity to annex Kashmir to his kingdom and in a war he defeated Mughal forces and absorbed Kashmir within the Afghan state.

The period of Afghan rule over Kashmir extended from 1757 to 1819. During this period Kabul replaced Delhi as the centre of authority for Kashmir. In all 28 Afghan Governors and deputy Governors ruled over Kashmir. Of these 14 Governors showed designs of shaking off central authority and eventually declared themselves independent. But none of them could maintain his independence for long. The Afghans did not take any interest in the welfare of the people. Since the Governors sent from Kabul were always uncertain about their tenure of office owing to the intrigues at Kabul, this explains why they robbed Kashmir of its wealth. By stealing the last pennies from the pockets of the poverty-stricken people and by inventing diabolical methods to torture them, the Pathan Subedars made themselves the most despicable of rulers. These stone-hearted people thought no more of cutting heads than plucking flowers. This period has been described as "cruellest and worst" of all regimes of Kashmir: 'a time of brutal tyranny, unrelieved by good work, chivalry and honour'.[36] Azim Khan also discharged all the Kashmiri soldiers from the army because he distrusted all their loyalty. Consequently, the people of the valley gradually forgot their glorious martial traditions and became timid and coward. The Jazia or poll-tax on Hindus was revived and many Brahmans either fled the country, or were killed or were converted to Islam. However, it is interesting to know that the Afghan rule in Kashmir saw the rise of some Kashmiri Pandits to highest posts in administration. Almost every business and occupation in the service of the higher orders under Pathan Governors, wrote Hugel, "was transacted by Brahmans".[37]

## KASHMIR UNDER THE SIKHS

The Afghans inflicted untold miseries upon the people of Kashmir.

They subjected the people to inhuman treatment. Life, honour and property became the first target of their natural greed and rapacious nature. The peasantry impoverished much and the burden of extortioned taxes through the revenue officials, usually high caste Pandits, destroyed the villages further. However, Birbal Dhar, who was a powerful revenue official, indulged in revenue embezzlement and incurred the wrath of Pathan rulers. This forced him to journey across snow-clad mountains to Maharaja Ranjit Singh and asked for his invasion of Kashmir. With the logistical guide, like Birbal Dhar, the Sikh army defeated the Pathan forces and captured the valley of Kashmir.

The change of masters, again to the great distress of the victimised people, proved but a change of King Log for kind stork. The Sikhs were no less cruel, rapacious, short-sighted, intolerant and fanatical than the Afghans. William Moor Craft who travelled extensively in the valley and met people of all shades noted, "the village where we stopped was half-deserted and the few inhabitants that remained wore the semblance of extreme wretchedness, without some relief or change of system, it seems probable that this part of the country will be soon without inhabitants".[38] Under Sikh supremacy, Kashmir was ruled by 10 Governors. If Afghans were less tyrannical towards the Muslim nobles, the Sikh Governors treated the Hindu Jagirdars and Landlords less hardly. Muslims would gather in the mosques and other religious places to conspire for the overthrow of the Sikhs and to achieve independence. Diwan Moti Ram, therefore, closed the Jamia Masjid of Srinagar. He also planned to demolish Khanqah-i-Mualla and as a matter of fact installed guns on the opposite gate of the Jhelum for this purpose. During the rule of the Governor Bhima Singh Aradali, there was a Shia-Sunni trouble when Hassan Abad and Zadibal, the two densely populated localities of Shias, were burnt. Oppression appears to have taken the simple form of communal revenge on Kashmiri Muslims for the sufferings previously endured by the Sikhs in India at the hands of Aurangzeb.[39] The shawl trade was no doubt in flourishing state during the Sikh rule but in the ultimate analysis it was heavily taxed which contributed to the decay of the famous industry. So bad was the condition of the shawl weavers that some of them chopped off their fingers in order to avoid being forced to weave for the Sikh rulers by the employers.[40] Vigne writes, "Many of the houses were tenantless and deserted, the fruit was dropping unheeded from the trees, the orchards were overgrown with a profusion of wild hemp and wild indigo."[41]

## KASHMIR SOLD TO THE DOGRAS

After their war with the Sikhs (February, 1846) the British demanded an indemnity of the Sikh Government in Lahore, but since little of it could be taken in money, territory was ceded instead. Kashmir and the hill states from the Indus to the Beas were accordingly detached from the Punjab and transferred to Gulab Singh as a separate sovereignty for the sum of Rs. 75 lakhs. The final transaction was confirmed in the Treaty of Amritsar[42], on 16th March, 1846.

It was on the 9th November, 1846, that Gulab Singh entered Srinagar as its ruler. Although the Sikh rule was short-lived, the Government that followed was no improvement for the Muslims, it was the proverbial from the frying pan into the fire. The Muslims constituting the 95% of the population suffered the most for the Dogra rulers sucked their very life-blood.[43] They had to pay Dharmarth, a religious tax which was used for the repair of old temples and for the welfare of the Hindus. Some of the mosques were taken over by the Government and if a Muslim was even suspected of killing a cow, he was imprisoned in chains for the rest of life.[44] There were cases of men being boiled in oil for killing a cow.[45] In 1920, of the 117 prisoners in Kashmir Jails 97 were held for cow-slaughter.[46]

Gulab Singh's greed for money is well known. He was the kind of man who, it was said, would pay attention to any one in a crowd if he held up a rupee and shouted: "Maharaja, a petition[47]; the condition of the shawl weavers further worsened during the reign of Gulab Singh. In 1847, they struck work and about four thousand of them fled the valley. They demanded reduction of various kinds of taxes. The peasant, his crops and his prosperity remained mortgaged up to the hilt to the state and its hierarchy of corrupt officials. Within less than two years of Maharaja Gulab Singh's rule, the British intervention in the internal affairs of the state began to show its signs. The principal cause of the intervention was complaint which the Government of India had received about the Maharaja's oppression on the people.[48]

Rambir Singh, who succeeded his father Gulab Singh in 1856, was interested in improving the condition of the people, but unfortunately his officials proved themselves to be corrupt and cruel. As a result of the exploitation of the shawl weavers by the officials, there took place the Zaldagar episode in which a large number of weavers were killed at the instance of an official.[49]

Then followed a rule of 40 years of Maharaja Pratap Singh. Indeed, on public occasions the applause of the crowd indicated an affection for the Maharaja, which was difficult to reconcile with the sullen acceptance of the Brahman officials who operated the hated machine of government in his name.[50]

Maharaja Hari Singh, the last ruler, remained in apparent indifference to the welfare of his people throughout his 23 years of rule. A one-time playboy who reputedly paid up to fifty thousand pounds for imported dancing girl, he ruled the state for 25 years as a personal preserve, with little regard for the welfare of his subjects.[51] The issue of armed licences was limited to Hindus. The Kashmiri Muslims were, according to Sir Albion Bannerji, Foreign and Political Minister of Maharaja Hari Singh, "like dumb-driven cattle" who had no say in the state's administration, which was conducted mostly by Kashmiri Pandits and to a lesser extent by the Punjabis brought from the Punjab, and by the Dogras of Jammu.[52] Although Muslims had taken to Western education later than the Pandits owing to the opposition of the Ulema and the conservative elements in the country, they tried to make up for lost time and opportunities by studying in modern schools and colleges and by taking their degrees from the universities of Aligarh and Punjab. But they found to their dismay that all the avenues of employment were closed to them. In 1924, out of 395 gazetted posts only 45 were held by the Muslims (this was for the whole state of Jammu and Kashmir).[53]

But the disabilities of the Muslim educated class were nothing compared to the sufferings of the peasants, who were the Muslims and formed the bulk of the valley's population. They were subjected to all kinds of violence in the collection of taxes. Men and women were stripped naked[54] and their fingers were forced into finger-irons and blood squeezed out of them.[55] Many were forced to migrate to Punjab in winter to work as coolies. Their cry was 'Batta' - 'Batta', we are crying for food and the tax collector is Tah Piyadha Patta over us.[56] But the worst oppression to which the peasants were subjected was the 'Begar' or 'forced labour'. They were compelled to leave their fields to carry military supplies on their backs across the snow-clad mountains to Gilgit. It meant death to hundreds and frost-bite for the rest. Those who returned home were physical and mental wrecks. No care was taken by the authorities of those unfortunate wretches, "laiden with grain toiling along the desert crags, between Austor and Gilgit on burning summer's day, urged on by a sepoy guard, is perhaps as pitiable a spectable as any to be seen on the roads of Siberia."[57]

This brief account of Jammu and Kashmir would enable one to assess the basic needs, urges and aspirations of the population. The history of the invasions, tyranny and oppression was bound to create in the minds of the people of the state an intense desire for self-government and democracy. The Kashmiri had not participated in any important way in the government of his country ever since the Mughal conquest, even the Dogra rule, indigenous as it was from the viewpoint of the state as a whole, had failed to create among the population any sense of identity of interests with the ruling group. The re-assertion of the Kashmiri was thus a historical necessity.[58]

## ARTICULATION OF MUSLIM PROTEST

In 1931, for the first time in Kashmir's history, the voice of the people could be heard in public protest. Sheikh Mohammad Abdullah was recognised as the first Kashmiri for many a day to have raised the standard of revolt against the foreign domination.[59] Before 1931, the popular resentment against the Dogra autocracy and its related institutions was exhibited by the Muslim subjects at several times and each time they were suppressed at the point of the bayonet or the military threat. 1931 was not a totally new event in the history of the freedom struggle in Kashmir. It was, in fact, the nadir point of the erstwhile struggles launched by the Muslim subjects in one form or the other.[60] In the other areas of Jammu province the movement was started against the heavy taxation, exclusion of Muslims from services and their exploitation by the money-lending banias and the Jagirdars.[61]

Accordingly, Sir Bertrand Glancy was appointed to head a commission to investigate the Muslim grievances which recommended the freedom of the Press, Legislative Assembly, abolition of Begar etc. The Muslims were on the whole satisfied with the report which they considered a great improvement over the existing conditions. Some even regarded it, in spite of its shortcomings, as Magna Carta.[62]

## MUSLIM CONFERENCE

The Muslims now began to press the Maharaja to implement its recommendations and to see that this is done, they set up the All Jammu and Kashmir Muslim Conference. In his first presidential address to the Conference, the Sheikh emphasised that "his movement was not commu-

nal, nor was it directed against any community. The object of the Muslim Conference, he stated, was to put to an end to miseries of all communities and to secure responsible Government".[63] However, religion, as a means employed, played a very important role in the revolutionary process,[64] though the movement was not communal.[65]

The Sheikh was, however, apprehensive that the Kashmiri Pandit agitation might delay the implementation of the Glancy Report. And he was not wrong in his assessment, for the Pandits adopted a hostile attitude towards the recommendations of the Commission, just as they had done at the time of the appointment of the Commission. They were opposed to the implementation of the recommendations, which they believed would not only affect their existing privileged position in the state but would also lead to Muslim rule and fearing that the Maharaja might yield to political pressures they started an agitation and found the Yuvak Sabha and the Sanatan Dharm Association, both of which had the blessings of the Maharaja.[66]

It was not unexpected that the Maharaja's presentation of the events of 1931 succeeded in alarming the communalist sections in and outside the state. The Hindu Maha Sabha in its Akola session of 15th August, 1931, passed a resolution which stated: "The Hindu Maha Sabha looks upon with fear at the fiery propaganda carried on against the Maharaja of Kashmir."[67] Inside Kashmir similar elements among Kashmiri Pandits adopted a narrow communal and opportunist posture. They initiated a movement known as 'Kashmir for Kashmiris' under the leadership of Shankar Lal Kaul, for inducing the Maharaja to enact the state subject law.[68] The Pandits launched 'Bread agitation' and submitted a memorandum to the Maharaja for carving out a separate 'Pandit Wattan' at Kulgam.[69] This narrow sectionalism was condemned by the Congress leaders of India like Tej Bahadur Sapru as 'unsound in principle'.[70]

## CONVERSION OF MUSLIM CONFERENCE INTO NATIONAL CONFERENCE

A vocal section of the Kashmiri Pandits, whom Prem Nath Bazaz represented, were, however, anxious to see that the legitimate grievances of the state Muslims are redressed and a progressive form of government established in the state. Sheikh Mohammad Abdullah and Prem Nath Bazaz in July, 1932, in the Cheshma Shahi Garden resolved that

"Kashmir freedom struggle will be conducted on secular, progressive and democratic lines".[71] The freedom struggle underwent a process of secularisation in the course of late thirties, partly as a result of realization on the part of Conference leaders that the movement in order to succeed was to be thrown open to all sections of the society,[72] and partly as a result of composite culture,[73] of Kashmiris. Thereafter the doors of nationalist platform were thrown open for everybody by transforming Muslim Conference into National Conference on the morning of June 11, 1939. Among others Ghulam Abbas declared: "The time has come when we should discard the old and decayed mantle and tear it to pieces".[74]

The secularization of Kashmir politics and the re-definition of the goal helped to forge close links between the Indian National Congress and the National Conference. In October, 1939, a session of the National Conference endorsed the Congress policy towards the war. In the course of his address, Sheikh Mohammad Abdullah particularly, "spoke in praise of the leadership of the Indian National Congress".[75] The progressive character of the developments in Kashmir was not missed by the Congress party's leadership, which regarded the slight communal colouring in the earlier movement as only natural and not a cause for concern or a reason for viewing the Kashmir movement with any doubts.[76] Jawaharlal Nehru appreciated this secularist trend in Jammu and Kashmir politics when he pointed out in February, 1939: "As a matter of fact, the two movements progressively developed on national lines and in Kashmir I am glad to say a number of wise and far-seeing Hindus and Sikhs threw their weight on the side of the popular movement and supported the 'National Demand' which asked for responsible government."[77] This phase of ideological polarity between the Congress and the National Conference facilitated multi-linkage process that brought together the two like-minded organizations. Jawaharlal Nehru's support to the Kashmir movement at this time was well calculated. He had already understood the taste of Sheikh Abdullah and tamed him accordingly, away from the shadow of Muslim League politics advocating the cause of the Muslims.

The secularisation of Kashmir politics upset the balance of political forces in the state. The Government of the Maharaja felt threatened and a section of the Muslim leaders belonging to Muslim Conference also opposed the radical posture of the party. Inside Kashmir, the conflict was mainly between the forces of medievalism led by Mirwaiz Moulvi Yousuf Shah and the forces of modernism led by Sheikh Mohammad Abdullah.

The rift between the two sections sharpened day after day and finally Ghulam Abbas, with a few followers mostly from Jammu, left the National Conference. This parting of ways occurred because there was no meeting point between the defected leaders and the National Conference. Partly this political stance articulated because Punjabis — both Hindus and the Muslims — exercised a considerable pull inside the Jammu region.

With the progress and maturity of National Movement, unity of feudal vested interests belonging to both the Hindu and the Muslim communities becomes evident. Various landlords like Nazir Hussain, Raja Villayat Khan[78], Akram Khan etc. openly aligned with the Maharaja against the national movement. Facing all these elements Sheikh Mohammad Abdullah said, "I do not know how many Hari Singhs there are in Kashmir to rule over us. One Hari Singh is the Maharaja, second is the Hindus, ......"[79]

After the secularization process, leading Hindu businessmen from Jammu also started raising their voice against the feudal policy of the Maharaja. Lalla Girdhari Lal, for example, wrote, "The economic evil is spread all over the state. It is clouding the people with untold miseries. The trade and industry are extinct. Business is sacrificed at the altar of the market slump. The condition of the peasantry is appalling ... but the ruler is anxious to fill his coffers for meeting his own expenses and State goes on increasing the burden of taxes on the people ... the greatest need of the time is to lay a strong foundation of a society that will represent all the Hindu, Muslim and Sikh subjects of the State alike, and in which all will be rid of the evils which attend the Government's policy of divide and rule".[80] The Muslim leaders of the valley in order to extend their movement to non-Muslims and non-Kashmiris realised the importance of the support of the personality of the political and moral stature of Sardar Budh Singh of Jammu. He later on became the first non-Kashmiri President of National Conference.

The National Conference went ahead. A visit by Jawaharlal Nehru in 1940 on the invitation of National Conference proved a turning point.[81] Not only did it focus the attention of the rest of India on the problem of Kashmir, it also helped in mustering the support of the religious minorities in Kashmir behind the freedom movement there.[82] The Muslim League, predominant leadership of which belonged to the feudal class of India and was patronised by many Nawabs, could not go far enough with

the Kashmir movement against the ruler and the feudal order. Close links were now forged between the Indian National Congress and the All India States Peoples' Conference on the one hand and the Jammu and Kashmir National Conference on the other. However, the movement in Kashmir from the very beginning was carried forward in a relatively autonomous and independent form and one of the predominant sentiments in Kashmir was to keep the State movement self-reliant.[83]

The solidarity of the Muslims of the state was broken when Muslims mostly from Jammu under Ghulam Abbas left National Conference and revived the Muslim Conference in 1941.[84] The National Conference became essentially an embodiment of Kashmiri patriotism. It articulated and represented regional aspirations of the people.[85]

## LABOUR MOVEMENT

The distinctive character of Kashmir freedom struggle depends on the role of yet another class. In the annals of the history of Kashmir, there are numerous examples of the solidarity of workers in their struggle against the exploiters. The shawl-weavers' strike in 1865 and the Silk Factory[86] workers' revolt in 1924 clearly bring out the solidarity of labouring masses against the economic and political oppression vis-a-vis oppressers. The decisive influence of labour ideology in the freedom struggle came through the organisation of the trade union movement. The initiative in this direction was taken by the communist party of India whose activists were working within the National Conference.[87] In the 1940s the Nationalist movement came under the telling spell of Marxism.[88] By 1943, there had emerged a big group of CPI progressives in the National Conference who were able to influence its future strategy in a decisive manner.

## NEW KASHMIR MANIFESTO

It was in the background of such political changes that National Conference adopted "Naya Kashmir programme" at its Sopore session on 29-30 September, 1944. The programme was not only a constitutional blue-print of a sovereign independent state looking after its own defence and external affairs[89] but also contained a radical socio-economic programme. The document was discussed at various levels for a long period of time. For anti-left section of the National Conference it was a

demagogic trick to woo the people. Some Hindu leaders like Kashap Bandhu were definitely alarmed by all this.[90] In the formulation of "Naya Kashmir" the experience of the Soviet Union were the main inspiration. Sheikh Mohammad Abdullah, for example, wrote in its introduction, "In our times Soviet Union had demonstrated before our eyes not merely theoretically but in her actual day-to-day life and development that real freedom takes birth only from economic emancipation."[91] The "Naya Kashmir" manifesto clearly spelled out in most unambiguous terms 'the Peasant Charter', 'Workers Charter' and the 'Women Charter' etc. No sector of National Movement in this subcontinent conceived of anything like this document. The Fundamental Rights resolution of Karachi session of Indian National Congress or even the Lucknow and Faizpur sessions of Indian National Congress respectively in 1936 and 1937 are miles behind in their democratic content from the point of view of common people.[92] It is only in this context that the sweeping land reforms between 1937-50 can be understood. Without this asset of National Conference the events of the 1946-48 days of Quit Kashmir movement would be unthinkable.

This was the period when two All India parties, Indian National Congress and All India Muslim League, were each carving out their sphere of influence in princely states. As an inevitable corollary the Muslim League began to display great interest in the affairs of Kashmir. The National Conference had expected that the two Indian parties would find it possible to jointly support the struggle in the state; its hope — largely, perhaps a result of the influence of then beliefs of the Indian Communist Party — was that the two main Indian parties must agree to fight jointly the British and their Indian stooges.[93] Kashmir, where the majority of the people were Muslims, could provide an example of building up of a spirit of unity which was essential in the Indian context at that moment. The policy accepted as a result was one of minimizing the Congress-League differences and the National Conference itself requested Mr. Jinnah to visit the state in early 1944. The visit of Mr. Jinnah to Kashmir exploded the basis of the optimism of the National Conference leaders.[94] Mr. Jinnah's statements in Kashmir were directed towards arresting the growth of the power and influence of the National Conference and the linking of the Kashmir Muslim Conference more closely with the All India Muslim League.[95] The obvious result was the driving of an irremovable wedge between the two political movements in Jammu and Kashmir state.

The immediate step taken by the National Conference after this was to accept a post in the Cabinet offered by the Maharaja in view of the obvious difficulties in running the administration with nominated ministers only.[96] It soon became apparent, however, that there was not much that a popular minister could do in a Cabinet which was unrepresentative as a whole. The situation deteriorated considerably when the post of the state Prime Minister held so far by an eminent Indian Judge B.N. Rao, was given on 28th June 1945 to Ram Chander Kak, a local bureaucrat with authoritarian ways. The situation was now becoming ripe for a full-fledged popular struggle against the despotic rule. In his presidential address to the Sopore session, Sheikh Mohammad Abdullah demanded representative government and added: "This is the only type of government which can command the confidence of the people. It is lack of responsible government which is responsible for inefficiency and corruption in the administration."[97] In one resolution, the National Conference pleaded for the "right of self-determination" which was a beacon light for All Indian parties ... the resolution was supported by Jawaharlal Nehru.[98]

## Quit Kashmir

The movement launched by the National Conference in May, 1946, had its slogan "Quit Kashmir" meaning thereby that the autocratic Dogra House should surrender sovereignty to its 'real owners', the people. In a memorandum to the Cabinet Mission of 1946, it demanded absolute right to freedom from the autocratic rule of the Dogra House. Launching this struggle for a decisive victory, National Conference on 15th May, 1946, reiterated at Srinagar "the demand that the princely order should quit the state is a logical extension of the policy of 'Quit India'. When the freedom movement demands complete withdrawal of the British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people ... The rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tzars and the French Revolution made short work of the ruling class of France. The time has come to tear up the Treaty of Amritsar and Quit Kashmir. Sovereignty is not the birth right of the Maharaja Hari Singh, Quit Kashmir is not a question of revolt. It is a matter of right."[99]

## THE PRELUDE TO ACCESSION

With the passing of the Indian Independence Act by the British Parliament, the paramountcy lapsed and sovereignty went back to the states. The British had envisaged that the princely states were free to accede to India or Pakistan or remain independent. It was the Muslim League's view that the rulers of the states could decide to join either dominion or to remain independent. India limited the right of the rulers to accede either to India or to Pakistan.

In 1947, Hari Singh of Kashmir was the last of the princes to hold out against accession to either Pakistan or India. The Maharaja temporised by offering 'standstill' agreement to both India and Pakistan which the latter accepted, the former insisted that it must have the approval of the people's representatives.[100] The armed rebellion broke out in July, 1947, in the Sudhnuti tract of Poonch province, the west central part of the state.[101] On October 25, 1947, tribal forces entered Kashmir to control it who were provoked by the massacre of Muslims in Jammu Province at the hands of Hindu extremists. It was in this atmosphere of mist and fog that Kashmir's accession to India was manipulated. The Viceroy stressed his opinion that accession should be contingent upon a plebiscite to determine the people's desires after the raiders had been ejected. Nehru and other Indian ministers readily agreed.[102]

The clearest impression obtained from this record is that at the start of independence for subcontinent, the Kashmiris were pushed back into their historic mould of subservience to the power around them.[103] Neither India nor Pakistan solely fought on behalf of the Kashmiris, they fought for their own purposes. After the conditional accession of Kashmir to India, the security of the Indian state clearly became paramount. "Personally (says V.P. Menon) when I recommend to the Government of India the acceptance of the accession of the Maharaja of Kashmir, I had in mind one consideration and one consideration alone, i.e., the invasion of Kashmir by the raiders was a grave threat to the integrity of India. Ever since the time of Mohmud Ghazni, that is to say, for nearly eight centuries, with but a brief interval during the Mughal epoch, India had been subjected to periodical invasions from the north-west. Mohmud Ghazni had led no less than 17 of these incursions in person. And within less than 10 weeks of the establishment of the new state of Pakistan its very act was to let loose a tribal invasion through the north-west. Srinagar today, Delhi tomorrow. A nation that forgets its history or its geography does so at its peril.

We had no territorial ambitions in Kashmir. If the invasion by the raiders had not taken place, I can say in the face of any contradiction that the Government of India would have left Kashmir alone.[104]

National Conference favoured accession with autonomy. In fact, it believed that, "Indian political system can function more efficiently at a regional and trans-regional level of federal units than at all-India level under unitary form of Government. The actual function of an All-India Centre should be to maintain harmony of various local levels of Indian society by weaving them into a single whole nation. The centre should know its weaving - national task and should not force its values and ideas on local cultures in such a way that they feel threatened and insecure."[105]

In the meanwhile, India took the Kashmir issue to the United Nations and requested the Security Council for interference in the matter. From the very beginning, the controversy involved the basic question of National Security for both states (India and Pakistan) a consideration that intensified through the years.

## Article 370 and its Erosion

After the accession Kashmir was granted what was called a special status in the Union of India. Article 370, of the Indian Constitution, exempted the state from the application of most of its provisions. This gave a much needed emotional satisfaction to the Muslims of the valley, that they were not to be controlled by a distant Hindu-dominated dispensation in Delhi.[106] The Interim Government constituted on March 5, 1948, headed by Sheikh Mohammad Abdullah started with a revolutionary programme. Kashmir was the only state that abolished landlordism without any compensation. Debts of the rural population were scaled down by more than half. In 1951, the National Conference convened a Constituent Assembly for framing the Constitution of the State.

By early 1950s, a more explosive situation was brewing in Jammu, whose political leaders had not reconciled themselves to living under what they considered to be Kashmiri rule. At the end of 1952, the Praja Parishad launched a massive agitation for one Constitution, one Flag and one President for Kashmir and the rest of India, which caused fresh misgivings among many Kashmiri Mulsims who began to feel that their entity seemed in danger.[107] These developments shook the foundations of the nationalist traditions in the state. The growth of Hindu communalism

and the weak position of Nehru justified Abdullah's fears. Sheikh now came to the conclusion that, "theirs was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second".[108] Sheikh Mohammad Abdullah's position in 1952 was consistent with the central theme of independence. "No country — neither India nor Pakistan — can put spokes in the wheel of our progress."[109] Finally, Sheikh was arrested on 8-9 August, 1953. Despite Jawaharlal Nehru's denials, most historians believe that India was responsible for the Cabinet upheaval and that Abdullah was removed because he was reluctant to lead Kashmir into the Indian Union.[110]

Bakshi Ghulam Mohammad replaced Sheikh Mohammad Abdullah as the Prime Minister and inaugurated a regime of corruption, cruelty and inefficiency and on the other hand a separatist movement was launched under the platform of Plebiscite Front. Even in the period of so-called wilderness of Sheikh Abdullah (1953-1975), the Plebiscite Front organised by his supporters remained the only representative organisation of the people in the valley of Kashmir. The people of Kashmir were deprived of their constitutional right of electing the representatives to the legislature. Fake elections were held. The well-known political commentator, Mr. Shiva Rao, has written the following about these election results: "These figures have been claimed as overwhelming evidence of support for the state's accession to India. But they are too overwhelming and create an element of suspicion, since such massive majorities are not normally known in truly democratic countries."[111]

There was little goodwill left for Indian Government in Kashmir. The Indo-Pak war of 1965 gave birth to 'All Parties Peoples Convention' convened by Sheikh Mohammad Abdullah in October, 1968, to find a lasting solution to Kashmir tangle. Shri Jayaprakash Narayan who inaugurated it declared that, "The slogan of plebiscite had become obsolete and hence the Kashmiri leaders should chalk out some new course."[112] Finally the dismemberment of Pakistan in the 1971 war brought to quote Z.A. Bhutto, "Frustration had resulted in bridging the gulf between Sheikh Mohammad Abdullah and New Delhi."[113] The centre's dispute with Sheikh Mohammad Abdullah had continued to bedevil relations between the state and the centre. Mrs. Gandhi took the initiative and started a dialogue with Sheikh Mohammad Abdullah. The negotiations resulted in an understanding between the two sides which came to be popularly known as the Indira-Abdullah Accord of 1975.

In accordance with the agreement, the Congress Government headed by Mir Qasim resigned from office on February 22, 1975, to enable Sheikh Mohammad Abdullah to take over the administration of the state. After the accord, National Conference was revived. The revival of National Conference brought to the surface the differences in the outlook between National Conference and the Congress. The difference in the interpretation of the events that took place in 1953 and thereafter became a source of constant irritation between the two political parties. Sheikh Mohmmad Abdullah and other leaders of the National Conference described the post-August 1953 period as "... a dark patch of 23 years"[114] in the history of the state. These differences finally culminated in the vote of no-confidence by Congress party against Sheikh Mohammad Abdullah and consequently to the elections of 1977.

## 1977 ELECTIONS

The elections to the Assembly of Jammu and Kashmir were held towards the end of June, 1977. Elections were necessitated because of the withdrawal of support to the Government of Sheikh Mohammad Abdullah by the Congress party, with a view to form its own Government.

The Governor did not try a Congress Government and instead dissolved the Assembly. 'Times of India' commented on the act of the Governor: "According to the State Constitution, the advice of the Chief Minister, even lacking the majority support in the House, is mandatory concerning the dissolution of the Assembly."[115] At the beginning of the Governor's rule, the popularity of Sheikh Mohammad Abdullah touched an unprecedented low in view of the widespread dissatisfaction with his policy of abolishing 'Food subsidy' and the alleged favouritism. People as diverse as Maulana Masoodi, Ghulam Mohi-ud-Din Karra, Shamim Ahmad Shamim, Prem Nath Bazaz, etc., took an initiative to form a Kashmir unit of the Janata Party with a view to taking advantage of the Sheikh's declining popularity. Ironically democracy was revived in the state. There is no doubt that they were the first fair and free elections in the state. This was admitted by Pakistan press as well.[116]

It is obvious that Article 370 of the Indian Constitution became the most important election issue in the state. Doubts were created by the confusing statements of the Janata leadership about the position of Article 370.[117] Reacting to the statements of the Janata leaders who wanted Article 370 to be repealed, Sheikh Mohammad Abdullah said, "We shall

not hesitate to secede from India if we are not assured a place of honour and dignity in terms of the safeguards provided for the people of the state under Article 370 of the Constitution ... We shall remain part of India only with dignity and honour ... there had been much watering down of Article 370 since 1953. We have to strengthen it with all our might."[118] The central leadership of the Janata Party, however, assured the people of the state about the retention of Article 370. Prime Minister Morarji Desai publicly reiterated, "The special status of the Jammu and Kashmir under Article 370 would be maintained as long as the people of the state wanted it."[119]

It is pertinent to refer to the manifesto of state unit of Janata Party which lamented: "Kashmir was deprived from reaping the harvest of freedom. The Congress rulers never took the state people into their confidence and imposed tyrants and despots on them. They deliberately nourished public men who were ready to repress and oppress Kashmiris. The local stooges who were foisted from above incessantly tried to keep their Congress masters in New Delhi in good humour. They were never responsible to the people of the state..."[120]

The results of the 1977 elections made it sufficiently clear that National Conference had the distinction of being the only party to have won from all regions of the state. It won 39 out of 42 seats from the valley, 7 out of 32 seats from Jammu and both the seats from Ladakh. The Sheikh's appeal to the voters from the ill-bed helped National Conference to sweep the polls and the opposition candidates became ineffective. Sheikh Mohammad Abdullah became Chief Minister on July 9, 1977, and remained in the chair till his death on September 8, 1982.

Though Janata Party had indulged in a bitter fight against Sheikh Mohammad Abdullah, it did have the decency to let Sheikh Abdullah remain in peace after he had won his convincing victory. Even the 'Public Safety Act' that Sheikh Abdullah sprung on the people in October, 1977, which was worse than 'MISA' (Maintenance of Internal Security Act) stringent and even 'fascist' could not create any tension between the centre and the state. In the parliamentary elections of 1980, Sheikh Abdullah openly supported Mrs. Indira Gandhi against the Janata Party. But that honey-moon was one of the shortest. Income tax raids on Srinagar's business elite on April 21, 1981, churned up a centre-state confrontation like none other since Sheikh Abdullah returned to power more than a decade ago. More important, the raids struck at some of the

staunchest supporters of the Chief Minister and his party. "The victim was myself", Sheikh Abdullah told 'India Today' describing the people raided as just the instruments.[121] After assumption of power in 1980 by Mrs. Gandhi, Sheikh Abdullah was subjected to a great provocation by the Congress (I). On one famous occasion during a whirlwind tour of Jammu and Kashmir, Mrs. Gandhi not only attacked Sheikh Abdullah vehemently but allowed herself to declare that without the Centre's tolerance and help his government could not last even for half an hour.[122] She attacked Sheikh Abdullah by name and said bluntly that the minorities in Kashmir no longer felt safe.[123] Another issue which created enough tension in the centre-state relations was that of 'The Jammu and Kashmir Grant of permit for Resettlement in the State Act 1982'. This Bill passed by the Assembly to allow the return to Jammu and Kashmir of the state subjects who migrated to Pakistan 35 years ago and have since become Pakistani nationals. In a speech from the rostrum of the holy shrine of Hazratbal, Sheikh Abdullah had gone to the extent of denouncing all critics of the Bill as "Hindu communalists of North India" and has accused them of wanting to upset the present communal configuration of Kashmir's population. Presumably with a view to reducing the Muslim majority into a minority."[124]

The political situation in the state after Sheikh Mohammad Abdullah's assumption of power had assumed new dimensions. The National Conference failed to outgrow its regional base in Kashmir valley. Reacting to the winter agitation of 1978-1979 in Jammu for political and constitutional safeguards for the region, the Chief Minister spoke in the state assembly as a spokesman of the Kashmiri Muslims who, according to him, "was the most discriminated against persons in whole of the state."[125] When Dr. Karan Singh warned that if Abdullah's Government did not tackle Jammu situation with understanding and sympathy, it would lead to "separation of the Jammu region from the Kashmir valley". The Chief Minister was quick to retort, "If the majority of people in Jammu region believed that they could progress by carving out a separate state of Jammu, then there was nothing to stop them and we must part as friends."[126]

## 1983 ELECTIONS

The elections of 1983 were held when Shiekh Mohd Abdullah had withered away from the political scene. Dr. Farooq carried the mantle of

National Conference and the elections itself became a source of confrontation between the centre and the state. Mrs. Indira Gandhi conducted an aggressive campaign with a distinct pro-Hindu bias so much so that a leader like Lal Krishna Advani stated that "Indira Gandhi played the Hindu card in the Jammu and Kashmir elections in 1983".[127]

The National Conference, however, neither in its election manifesto nor in its campaigns had endorsed any secessionist ideas. On the contrary the manifesto of National Conference categorically stated that, "What it refers to as a distinct identity of the Jammu and Kashmir State'' has nothing to do with self-determination. The concept, the manifesto says, "emerged from the unity of all the areas which constituted the state before October, 1947."[128] Another interesting feature of the elections was that Jamat-i-Islami also emerged as a champion of Article 370. Maulana Saadud-Din stated that "Congress cannot muster enough courage to abolish Article 370 of the Indian Constitution." Janata Party had threatened to abrogate Article 370 when it came to power in 1977, it could not do so. Even Congress cannot abrogate 370. The whole of Kashmir will be in flames if it ever attempted."[129] The confrontation between Congress and National Conference intensified to the extent that Farooq Abdullah demanded 'the dissolution of Congress unit in the state' and Mrs. Gandhi reacted that the Congress in Kashmir is "an organisation of the local people and not of outsiders."[130] There were allegations from the Congress party that the elections were rigged. The Pradesh Congress Chief, Mufti Mohammad Syed, said, "This is exactly like Bhutto's 1978 elections in Pakistan. This election has no legitimacy. It is based on fraud."[131]

The reaction was immediate. The plan to unseat Farooq Abdullah through defections was set in motion. The Congress charged Farooq Abdullah that he was in league with those determined to destroy India.[132] Finally, Farooq was dismissed. 'The Telegraph' commented on this dismissal, "The two arguments used to rationalise the denunciation, overthrow and arrest of Sheikh Abdullah in 1953 are exactly the same as the one used to remove Dr. Farooq from power. Treachery to India and destruction of the Economy."[133]

## NOTES AND REFERENCES

1. Francis Younghusband, *Kashmir* (Edinburg, 1909), p. 161.
2. G.M.D. Sufi, *Kashir,* Vol. I (Light and Life Publishers, New Delhi, 1974), p. 69.
3. This three-fold science is based on the three energies of Lord Shiva. The three energies are called Para, Parapara and Apara. Para means supreme energy of Lord Shiva. Parapara is the medium energy of Lord Shiva and Apara is the Lord Shiva's inferior energy. See S.M. Iqbal, K.L. Nirash, *The Culture of Kashmir* (Marwah Publications, Delhi, 1978), p. 103.
4. P.N. Bazaz, *Kashmir in Crucible* (Pamposh, New Delhi, 1967), p. 10.
5. Dr. Stein's Introduction to his English translation of *Rajtarangni,* Vol. I, p. 130.
6. Mohibbul Hassan, *Kashmir under the Sultans* (Srinagar, 1974), p. 33.
7. Walter Lawrence, *The Valley of Kashmir* (Kesar Publications, Srinagar, 1967), p. 189.
8. G.M.D. Sufi, *Islamic Culture in Kashmir* (Light and Life Publishers, Delhi), p. 47.
9. P.N. Bazaz, *The History of Struggle for Freedom in Kashmir* (Kashmir Publishing Company, New Delhi, 1954), p. 50.
10. P.N. Bazaz (Fn. 4), p. 13.
11. Lawrence (Fn. 7), p. 286.
12. Encyclopaedia Britannica, Vol. xiii (1974), p. 290.
13. *Ibid.*
14. Published in Gulrez, Vol. I, No. 2, December, 1952, reproduced in *Burj Neer,* Cultural Academy, Srinagar, p. 81.
15. Dr. Rashid Nazki, *Burj Neer,* p. 142.
16. *Rajtarangni,* edited by Stein, Vol. I, p. 131.
17. As a matter of fact Bilhana asserts that "Saffron is the seed of poetry and as no other province of India produced Saffron, Kashmir alone is the true home of poetry."

    See G.M.D. Sufi, *Kashir*, Vol. I, p. 70.
18. M. Ishaq Khan, *Perspectives on Kashmir* (Gulshan Publishers, Srinagar, 1983), p. 2.
19. Balraj Puri, *Triumph and Tragedy of Indian Federalisation* (Sterling, New Delhi, 1981), p. 17.

20. G.M.D. Sufi, *Kashir*, Vol. I, p. 70.
21. G.M.D. Sufi, *Kashir*, Vol. III (Light and Life Publications, New Delhi, 1974), p. 395.
22. *Travels* (Smith's edition), p. 430.
23. *Archaeological Survey Report of 1906-1907*, p. 161.
24. Lawrence (Fn. 7), p. 162.
25. Islam in Kashmir was not on a collision course with Brahmanism. The religions maintained a delicate equilibrium of psycho-religious relativity. Gandhiji perceived this very clearly in 1947 when whole of the sub-continent was plunged into the conflagration of communal riots, Kashmir was tranquil. Gandhiji in Kashmir saw a ray of hope for Hindu-Muslim unity; a silver lining in the gray clouds.
26. Lawrence (Fn. 7), p. 285.
27. Lawrence (Fn. 7), p. 301.
28. Lord Birdwood, *Two Nations and Kashmir* (Robert Hall Limited, London, 1956), p. 20.
29. Cited in *Ibid.*, p. 20.
30. Cited in G.M. Rabbani, *Kashmir : Social and Cultural History* (Anmol, Delhi, 1986), pp. 99-100.
31. G.M.D. Sufi, *Islamic Culture in Kashmir*, pp. 19-20.
32. Cited in M. Ishaq Khan (Fn. 17), p. 47.
33. G.M.D. Sufi, *Islamic Culture in Kashmir* (Light and Life Publishers, Delhi, 1979), p. 279.
34. P.N. Bazaz, *Kashmir in Crucible*, p. 21.
35. Yousuf Shah Chak and his Yaqub Shah Chak lay buried at a village named Kashmiri Chak in Patana.

    See Mohibul Hassan, *Kashmir Under Sultans* (Ali Mohammad and Sons, Srinagar, 1959), pp. 180-181.
36. Walter Lawrence (Fn. 7), p. 197.
37. Baron Hugel, *Travels in Kashmir and Punjab* (English Translation), p. 220.
38. Cited in P.N. Bazaz (Fn. 4), p. 9.
39. Lord Birdwood (Fn. 27), p. 24.
40. Cited in M. Ishaq Khan (Fn. 17), p. 54.
41. *ibid.*, p. 55.
42. The Treaty of Amritsar effected the transfer of all hill country between the Indus and the Ravi for the sum of 75 Lakhs of Rupees. It was preceded by

previous brief Treaty signed on 9th March, 1846 with the Sikh Government in Lahore by which the principle of an award of territory was recognised. K.M. Pannikar writes, "The treaty of Amritsar stands on a different footing from other treaties with other Indian states. The territories of which the Maharaja was recognised as ruler were handed over to him in independent possession. While the supremacy of the British was recognised, there was no agreement on the part of the Company to guarantee the internal security of the state. Article 9 merely binding the British authorities to give aid to the Maharaja in protecting his territories from external aggression.

K.M. Pannikar, *The Founding of the Kashmir State* (George Allen and Unwin Limited, London, 1930), p. 115.

43. Biscoe, *Kashmir Under Sunlight and Shade*, pp. 234-238.
44. Mohibul Hasan, "Islam in Kashmir". Cited in A.A. Saroor, *Islam in the Modern World, Problems & Prospects* (Iqbal Institute, University of Kashmir), p. 187.
45. Biscoe (Fn. 43), p. 120.
46. *Ibid.*, p. 188.
47. Russel Brains, *The Indo-Pakistani Conflict* (Paul Mall Press, London, 1968), p. 67.
48. M.L. Kapur, *Kashmir: Sold and Snatched* (Jammu, 1968), p. 20.
49. Cited in Dr. Ishaq Khan (Fn. 17), p. 58.
50. Russel Brains (Fn. 47), p. 67.
51. Russel Brains (Fn. 47), p. 67.
52. P.N. Bazaz, *A History of Struggle for Freedom*, p. 140.
53. Mohibul Hassan, "Islam in Kashmir: Past and Present Perspective", Cited in A.A. Saroor, *Islam in the Modern World Problems and Prospects* (Iqbal Institute, University of Kashmir), p. 188.
54. *Ibid.*, p. 188.
55. Biscoe (Fn. 43), p. 255.
56. Lawrence, *The India we served*, cited in Mohibul Hassan (Fn. 53), p. 188.
57. Quoted in G.H. Khan, *Freedom Movement in Kashmir* (Light and Life Publishers, Delhi, 1980), p. 19.
58. Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations* (Asia, Delhi, 1966), p. 29.
59. Lord Birdwood (Fn. 28), p. 34.

60. It was on July 13, 1931, that first Muslim uprising took place when Muslims gave their blood when they were fired at by the Dogra police. Years later, Sir Zaffarullah Khan described these events to the Security Council. "They (Kashmiris) were mowed down by the bullets of the Dogra troops in their uprising...but refused to turn back and received those bullets on their bare breasts.

    See *Security Council Official Records*, Third Year, No. 1-15, p. 65 (Zaffarullah Khan, 16 January, 1948).

61. *Report on the Communal Riots in Jammu Province*, Cited in Mohibul Hassan (Fn. 53), p. 189.

62. R/1/29/1031, pp. 80-81 (1.0). See also Mohibul Hassan (Fn. 61), p. 190.

63. Bakshi, *Kashmir Today*, see also, Mohibul Hassan (Fn. 61), p. 190.

64. Federic Engels, in his Dialectics of Nature, quoting Karl Marx says that religion is the protest against the real misery of the world and a protest against the inhumanity of the feudal operation. Cited in K. Damodarn, *Indian Thought : A Critical Study* (Asia Publishing House, Delhi), p. 68.

65. "The 1931 revolution was not a communal disturbance, it should be called a national revolt because it broke the chains of slavery..."

    Address delivered by P.N. Bazaz at the special session of the Muslim Conference held on June 11, 1939. Cited in G.H. Khan (Fn. 57), p. 404.

66. *The Hindustan Times*, July 7, 1987.

67. *Al-Jamiat* (Delhi, August 30, 1931).

68. Balraj Puri (Fn. 19). p. 29.

69. Sheikh Mohammad Abdullah, *Atashi Chinar* (Ali Mohammad and Sons, Srinagar, 1984), p. 894.

70. *Sapru Papers*, Nehru Memorial Library, Teen Murti House, New Delhi.

71. P.N. Bazaz (Fn. 52), p. 164.

72. The author's interview with Maulana Mohammad Sayeed Masoodi, 15th March, 1987.

73. The development of composite culture in Kashmir has evolved a tradition that is particularly free from dogmatism and obscurantism. History bears witness to the fact that Kashmir has produced great Seers and Saints, "The cult of Buddha, the teachings of Vedanta, the mysticism of Islam have one after another found a congenial home in Kashmir". G.M.D. Sufi, *Islamic Culture in Kashmir*, p. 9.

74. Sisir Gupta, *Kashmir a Study in India-Pakistan Relations* (Asia Publishing House, New Delhi, 1966), p. 53.

75. *Ibid.*, p. 53.

76. *Ibid.*, p. 54.

77. Speech in AISPC at Ludhiana, *Unity of India*, p. 42.

78. The landlords on the whole came out openly against the movement led by Sheikh Mohammad Abdullah. One landlord Nazir Hussain appealed to the people of the valley not to heed to outside agitators particularly activists of Reading Room party. Another Jagirdar Villayat Khan argued that the Muslims had more confidence in Raja Hari Krishen than in thousands of Muslim Wazirs. *The Indian Nation* (Patna, September 22, 1931).

79. Cited in Prakash Chandra, "National Question in Kashmir", *Social Scientist*, June, 1985, p. 41.

80. *The Rambir* (Jammu, April, 1935).

81. Kashmir was his (Nehru's) greatest weakness. He had once said to Mountbatten, "When the French grabbed the Port of Calais from Mary, the Queen of Scots: she is said to have remarked that if my heart is pierced on my death, you will find the word 'Calais' engraved. Likewise the term Kashmir is enshrined in my heart."

    Sheikh Mohammad Abdullah (Fn. 69), p. 353.

82. *Ibid.*, p. 262.

83. Sheikh Mohammad Abdullah states in his autobiography, "The ruling elite in particular treated Kashmir as a colony since 1586 and always suppressed Muslim population since then. As a consequence to it the leadership that emerged here exhibited popular thinking and its public base was very wide. I have been deeply conscious of this identity during the Kashmir freedom movement. I have refused to kowtow before external influences whether it was Muslim League or Congress — Socialists or Communists. We were fellow travellers up to a few steps, but we were always thinking of our interests and individuality. In fact, this was the exploration and investigation of Kashmiri Identity".

    Sheikh Mohammad Abdullah (Fn. 81), pp. 250-251.

84. The people of Jammu province have remained under the dominant influence of neighbouring Punjab on account of their language and culture. They have had their blood relationship and business contacts with them (Punjabis).

85. Sheikh Abdullah points out in this context:

    "Kashmiris are heir to a peculiar individuality due to their culture and language. The learned transcripter of *Rajtarangni*, Stein and the great Indian historian Tara Chand has stated it to the extent that Kashmir has

never been a part of the subcontinent in the geographical, cultural or historical sense."

See Sheikh Mohammad Abdullah (Fn. 81), pp. 248-249.

86. One observer of Kashmir National movement regarded the revolt of Silk Factory workers in 1924 as a "dress rehearsal for the events of 1931-34".

N.N. Raina, "Hegemony of the Working People: A specific feature of our freedom movement", *Studies of Kashmir*, Council of Research, *Special Number*, Vol. III, Nov. 1978, p. 6.

87. The task of organizing the toiling masses was initiated by P.P.L. Bedi and Mrs. Freda Bedi. They were supported in their work by G.M. Sadiq, G.M. Karra etc. With the efforts of these leaders 'Mazdoor Sabha' was organised in the valley.

Prakash Chandra (Fn. 79), p. 44.

88. The Communist activists opened a study circle at Dalgate to propagate the philosophy of communism. By the end of 1942 the CPI was able to open, "an organizing committee of which Miss Mehmooda, G.M. Sadiq and G.M. Bakshi were members. The author's interview with Pir Gayasuddin, 25th March, 1987.

89. Balraj Puri (Fn. 68), p. 40.

90. Cited in Prakash Chandra (Fn. 53), p. 46.

91. New Kashmir Constitution and outline Economic Plan for the state of Jammu and Kashmir including Ladakh and Frontier Regions and the Poonch and Chinani illaqas, Introduction by Sheikh Mohammad Abdullah, Bureau of Information, New Delhi, 1944.

92. N.N. Raina (Fn. 86), p. 13.

93. The communists were agitating for Gandhi-Jinnah talks throughout this period and urging for a Congress-League agreement on the Indian problem.

94. The final verdict of Jinnah came on 17th June, 1944. Addressing some Muslim organizations, he said, "As a Muslim I must say, what I feel is the right way for the Muslims. So far as I have been able to understand the view-point of the leaders of the National Conference, I do not think that they can succeed ... 99% of the Muslim who met me are of the opinion that Muslim Conference is the only representative organization of the state Muslims.

P.N. Bazaz (Fn. 71), p. 210.

95. Mr. Jinnah directed the Muslim Conference leaders that "they should develop a habit of shouting the slogan of Maharaja Zindabad in the same way as they offer their five-time prayers."

Sheikh Mohammad Abdullah (Fn. 81), pp. 317-318.

96. Mirza Mohammad Afzal Beg was the minister chosen by the National Conference.
97. Cited in Sisir Gupta (Fn. 40), p. 60.
98. Sheikh Mohammad Abdullah (Fn. 33), p. 334.
99. Cited in M.J. Akbar, *India—The Siege Within* (Penguin, 1985), pp. 227-228.
100. Sheikh Mohammad Abdullah's address to the Jammu and Kashmir Constituent Assembly, Srinagar, 5th November, 1951.
101. V.P. Menon, *The Story of Integration of the Indian States* (Oriental Longmans, 1961), p. 381.
102. The Poonch revolt resulted from many factors, including heavy taxation and intense dissatisfaction among the numerous soldiers returning to the province from service in the Second World War. Essentially, says one commentator, "theirs was a straightforward peasant revolt, the religious beliefs of the participants being irrelevant, an uprising of the oppressed against ancient feudal tyrannies, the sort of thing that ought to have got sympathetic acknowledgements from some one of Mr. Nehru's ideals. Quoted in Russel Brains, *The Indo-Pakistan Conflict*, p. 69.
103. *Ibid.*, p. 77.
104. V.P. Menon, *Story of Integration of Indian States* (Oriental Longmans, 1961), p. 394.
105. Cited in Prakash Chandra, "National Question in Kashmir", *Social Scientist*, June, 1985, p. 49.
106. Lord Birdwood (Fn. 28), p. 178.
107. Author's interview with Balraj Puri dated 15th March, 1987.
108. Cited in Prakash Chandra (Fn. 108), p. 51.
109. Cited in Josef Korbel, *Danger in Kashmir*, pp. 206-207 (Princeton University Press, 1954).
110. Russel Brains, *The Indo-Pakistan Conflict*, p. 99.
111. Cited in A.G. Noorani, *The Kashmir Question* (Manaktalas, Bombay, 1964), p. 13.
112. Syed Mir Qasim, *Dastan-e-Hayyat*, pp. 297-98.
113. Saraf, M.Y., *Kashmiris Fight for Freedom* (Feroz Sons, Lahore, 1977), p. 1277.
114. *Patriot* (New Delhi), 10 May, 1976.
115. *The Times of India* (New Delhi), March 28, 1977.

116. *Dawn* (Karachi), July 9, 1977.
117. "Mr. Prem Nath Bazaz, a member of the State Janata Party Ad Hoc Committee, felt that with the strengthening of democratic processes and norms in the state, Jammu and Kashmir could do without Article 370."

    *Times of India* (New Delhi), June 1, 1977.
118. *Times of India* (New Delhi), May 24, 1977.
119. P.N. Bazaz, *Democracy Through Intimidation and Terror* (Heritage Publishers, New Delhi, 1978), p. 67.
120. Cited in P.N. Bazaz (Fn. 120), p. 57.
121. *India Today*, May 16-31, 1981, p. 86.
122. *Times of India*, June 3, 1982.
123. *India Today*, May 16-31, 1981, p. 89.
124. *The Times of India*, June 3, 1982.
125. Balraj Puri (Fn. 68), p. 193.
126. *Ibid.*, p. 194.
127. *Mainstream*, October 8, 1983, p. 31.
128. *Sunday*, June 19-25, 1983.
129. *India Today*, June 15, 1983.
130. *India Today*, June 15, 1983.
131. *India Today*, June 30, 1983, p. 17.
132. Ironically the Congress (I) manifesto for 1983 elections had said, "The foundations of democratic life and values were threatened under National Conference rule. But now (1987) it described the National Conference as a democratic party that cherished the ideals of socialism and secularism.

    See *The Indian Journal of Political Science*, July-September, 1987, p. 371.
133. *The Telegraph*, Thursday, July 5, 1984.

# Chapter Three

## Political Strangulation And Manipulation: 1947-1975

The British have been noted for adjusting their policies to the exigencies of the time. They had visualized self-government as the ultimate goal of their dominion over India. However, the World War II reduced them to the status of second grade power. This compelled them to reappraise their colonial policies. The defeat of Winston Churchill in the General Elections and the victory of the Labour Party opened up the prospects of India's independence. Unfortunately, when the Attlee Government approved the task of withdrawing quickly and gracefully, it no longer had the charisma of British power to bridge the gulf between Indian National Congress and the Muslim League, because of the latter's insistence on partition.

### The Prelude to Partition

The philosophy of the freedom struggle had diverged into two mutually hostile parties — The Indian National Congress and the Muslim League. The Indian National Congress was established by Dr. A.O. Hume, in 1885, with the objective of providing a 'safety valve' for the escape of great and growing forces of discontent generated by indifferent attitude of the alien regime. The educated middle class of India, by and large, rallied round the struggle for freedom and joined the ranks of

Indian National Congress. However, a literate and vocal section of Muslim middle class led by Sir Syed Ahmad Khan[1] and subsequently by Dr. Iqbal and Mr. Mohd Ali Jinnah were sceptical of the intentions of Hindu-dominated Congress for various socio-psychological reasons buried deep into the ethos of Indian history.

Sir Syed Ahmad Khan advised his co-religionists against joining the Indian National Congress.[2] In his earlier stances he had likened Hindu-Muslim fraternity to the two eyes of a bride. If the eyes looked in harmony the bride was beautiful. If the eyes looked in disharmony, the bride was unbecoming.[3] Subsequently, he struck a different note. In pursuance of his exhortations, followed by the stances of his contemporaries, the Muslim political ideology fluctuated between varied nuances of Indian nationalism[4] on the one hand and the demand for a separate homeland for the Muslims on the other. All India Muslim League was established in 1906 with the purpose of rehabilitating the economic and social status of the Muslims and realising the ultimate political emancipation for them.[5] These two divergent strands in India's struggle for freedom established political legitimacy and mutual recognition when the Indian National Congress and the Indian Muslim League signed the 'Lucknow Pact' in 1916.

In the meanwhile the formidable leaders like Mahatma Gandhi, Ali Brothers, Motilal Nehru, B.G. Tilak, Abul Kalam Azad and Mr. Mohammad Ali Jinnah had appeared on the Indian political scene. The movement for freedom acquired a definite articulation during and after the World War I, under the guidance of these leaders. The British Government responded by introducing constitutional reforms of 1919. However, the actual functioning of this 'dyarchy' created disaffection in the minds of Indian people and Jallianwalla Bagh massacre eroded completely the credibility of British Raj. The Khalafat agitation, on the other hand, disillusioned the Muslim community completely and the separatist tendencies were at a low ebb.[6]

Gandhiji very shrewdly understood the need of bridging up the gap between the Hindus and the Muslims. He provided full moral support to the community's grievances by identifying himself with the Khalafat agitation. All these developments had a salutary effect on the Muslim community's political orientation and they joined the mainstream of India's struggle for freedom. The Round Table Conferences of 1930-32 in London were the converging points of the Hindu-Muslim consensus

towards the idea of a federal government, of a united India. Notwithstanding this, a vocal section of the Muslim community had apprehensions about the character of Indian National Congress.

Two divergent streams of India's struggle for freedom grew stronger in late thirties and early forties. Chowdery Rahmat Ali mooted the idea of Pakistan.[7] There is a feeling that the Muslim League carried Iqbal's concept of Muslim nationalism to its logical end, which has directly or indirectly made him the founder of the idea of Pakistan.

There are conflicting opinions about Dr. Iqbal's role in as far as the creation of Pakistan is concerned. In a confidential letter addressed to Mr. M.A. Jinnah (dated 28th May, 1937) Iqbal said, "After a long and careful study of the Islamic law, I have come to the conclusion that if this system of law is properly understood and applied, at least the right to subsistence is secured to everybody. But the improvement and the development of the 'Shariat of Islam' is impossible in the country without a free Muslim state or states".[8] He also suggested the idea of a separate Muslim state in the North in his presidential address to the Muslim League in 1928. This demand was only for a "State within a State" and not for an altogether separate state. No question of partition was involved. Probably he would have been satisfied with the establishment of a true federation in which full internal autonomy is guaranteed to the constituent units.[9]

Originally, Mr. Jinnah was averse to the creation of Pakistan.[10] The elite of the community criticised these statements of Mr. Jinnah as irresponsible and the idea of a homeland for the Muslims was confined to the conservative section of the community. However, in a strange stroke of history, Mr. Jinnah crossed the floor and became a leading light of Muslim League. Mr. Jinnah's crossing the floor and assuming the mantle of Muslim League's leadership was not altogether without motives of Hindu extremism. After the establishment of Muslim League, which was to a great extent a non-religious organization, the social tendencies of the majority community did create suspicion in the minds of the Muslims.[11]

The behaviour of many important Congress leaders after the election of 1937 revealed that Congress was not prepared to recognise the importance of the Muslim League. Maulana Azad pointedly refers to this dilemma. He points out "If the League's offer of co-operation had been accepted, the Muslim League party would have merged with the Congress. Jawaharlal Nehru's action gave the Muslim League in the U.P. a

new lease of life. It was from U.P. that League was reorganised. Mr. Jinnah took full advantage of the situation and started an offensive which ultimately led to Pakistan."[12] It is equally true that orthodoxy and conservatism of the Muslim community did play a role in the intellectual make-up of Jinnah.[13] The proposed partition would lead, according to another thinker, A. Punjabi, to the "economic emancipation" of the Muslims from the economic domination of the Hindus."[14] Mr. Jinnah was also concerned with the economic problems of the Muslims. "The Muslims were financially bankrupt, economically zero and educationally at the bottom of the ladder ......"[15]

The Muslim League leaders Indianized the concept of Pakistan in 1940 by demanding a separate homeland for all Indian Muslims. In its session of 22nd March, 1940, at Lahore, the Muslim League resolved that "It is the considered view of this session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following principles, viz., that geographically contiguous units are demarcated into regions which should be so constituted with such territorial re-adjustments as may be necessary that the area in which Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign."[16]

The history of the Muslim League, subsequent to the return of Cripps Mission, was marked by the ever-increasing demand for Pakistan. Any scheme, it was repeated which seeks to torpedo the Pakistan demand of Muslim India, will be resisted by the Muslim League, and as such any political party which stands for the establishment of a democratic state in India, can have no agreement with the Muslim League."[17] On 19th February, 1946, the British Prime Minister sent a deputation known as Cabinet Mission to discuss with the leaders of Indian opinion the framing of an Indian Constituent Assembly. He further stated in the British House of Commons on 15th March that a minority could not be allowed "to place a veto on the advance of a majority".[18] Mr. M.A. Jinnah, among other things, expressed League's inability to agree to "a single Constitution-making body".[19] On August 16, 1946, the League observed its "Direct Action Day" resulting in hooliganism and looting in Calcutta and many other places. The Indian Independence Act finally decided that on 15th August 1947 India would be a free country, divided into two parts — India and Pakistan.

The partition of the country reinforced the determination of the Congress Government and leaders to develop the country as a secular nation-state. In the last phase of British rule the Congress not only constructed an effective organization, but also developed a programme of economic and social reform to be implemented on the arrival of independence. It sponsored preliminary attempts at economic planning. An elaborate Constitution, emerged after careful deliberation. There was no question, for instance, that India should be a secular state, free of religious discrimination and so the new Constitution abolished the separate communal electorates that had existed since 1909. The Congress party also followed the radical policies,[20] that she had evolved during the freedom movement. The policy of non-alignment — the Commonwealth membership notwithstanding—was conducive to India's national interest as well as her ideals.

Although revolutionary in tactics, the League remained basically defensive and conservative in aim.[21] The upper strata of Muslims who constituted the backbone of the Muslim League were opposed to land reforms which the Congress championed. The foundation of Pakistan was beset with an identity crisis. Thus the movement for Pakistan lacked a social and economic programmes. Its long-term impact was the very slow process of democratization and the longest spell of military dictatorship.

## THE EMERGENCE OF POPULAR PROTEST

It is an established fact of Kashmir history that her colonization started with the occupation by the Mughals.[22] Thereafter the Pathans of Kabul further enslaved Kashmir and inflicted untold miseries upon the people. Nevertheless, the communal discrimination was not galore or stark excepting during the last days of Pathan rule, when Pandits were persecuted.[23] The Pathans were followed by the Sikhs and the Dogras in succession. The anti-Muslim persecutions resorted to by the Sikhs and the Dogras were unprecedented. The Sikhs seemed to look upon Kashmiris as little better than cattle. There was an all-round persecution and impoverisation of the Muslims during the Dogra rule. However, a distinct feature of the state's relations with the Paramount power was absence of any provision for stationing British Resident in the State, which was the practice in other princely states of the country. The Anglo-Afghan war of 1878 and the gradual extension of the Russian Empire almost up to the

borders of the state increased its strategic value for the British Empire. After consolidating their hold over the rest of India, directly or through loyal princes and in particular entrenching their administration in the neighbouring Punjab, the British were now anxious to extend their sway over Jammu and Kashmir as well. While Maharaja Ranbir Singh resisted proposals to station a British Resident to the state, the British Government succeeded in doing so after the later's death in 1885. Another reason assigned for the stationing of the British Resident in the state was the miserable condition of the Muslims in the state.

However, the British Raj was more concerned with its own preservation and the Maharajas were loyal supporters of the British. The relations between Kashmir Autocracy and the British India remained almost cordial. The structure of the colonialism was based upon the double domination, i.e., the British colonialism and the princes including the Maharaja of Kashmir as the supporting structure of the British imperialism. The 1931 upsurge synchronised with the development of the freedom struggle in India against the Britishers. Naturally, the freedom fighters in Kashmir organised under the auspices of first All Jammu and Kashmir Muslim Conference and later All Jammu and Kashmir National Conference reflected the liaison with India's broad struggle against the British colonialism.

## The Issue of Accession

While the Dogras were grappling with their people, changes of far-reaching importance were underway on the subcontinent. The future of the colonial structure, the British had built on the subcontinent and with that the future of the princely order was on the anvil. India was on the threshold of freedom and the days the princes had on their side were numbered. In 1947, India was divided. Like the other Indian states, Jammu and Kashmir was also released from the purview of the British paramountcy. On the lapse of paramountcy, consequent on the transfer of power, the Indian states became independent and were free to accede to either of the two dominions, India and Pakistan or to remain independent. However, Lord Mountbatten, the British Viceroy, told the princes on July 25, 1947: "You cannot run away from the dominion Government which is your neighbour any more than you can run away from the subjects for whose welfare you are responsible."[24] The states were to finalise the accession to the dominions before 15th of August, 1947, the day fixed for the transfer of power.

At this critical time, the Maharaja and his Government signally failed to appreciate the strains of the situation and finalise the issue of accession. The Maharaja followed a policy of bidding time and deferred a decision on this vital issue. The choice of the ruler was very difficult. For the Maharaja himself accession to India would amount to virtual abduction and a surrender to those who had been fighting his Government. An accession to Pakistan might be more suited to himself but would certainly expose his own community to a grave threat and thus undermine the structure on which he kept himself up.[25] In fact, much of the story of Kashmir in this period can be told in terms of the ruler's attempt to isolate his state from what was happening all around. As late as on the vital day of 26th October, 1947, when the Maharaja signed the instrument of accession, he said that he wanted to take time to decide to which dominion he should accede or "whether it is not in the best interests of both the dominions and my state to stand independent, of course with friendly and cordial relations with both".[26]

The Indian National Congress and the Muslim League took divergent stands regarding the future affiliations of the states. Regarding Kashmir both parties took stands most suited to their own interests. As late as 31st May, 1947, Gandhiji had said in relation to Kashmir that, "it was not the Maharaja with his soldiery that would count, but the Muslims who were the vast majority there".[27] On 10th June, in a letter to Begum Abdullah, Nehru wrote, "I have firm conviction that the will of people will prevail in Kashmir".[28] In contrast, M.A. Jinnah said on 17th June, 1947, "constitutionally and legally the Indian states will be independent and sovereign on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like, it is open to them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or to decide to remain independent".[29]

The Maharaja did not take any decision, but offered a standstill agreement[30] to both the dominions. Pakistan accepted the standstill agreement. Government of India, however, asked the Maharaja to send a representative to Delhi to discuss the implications of the agreement. The Maharaja, thus, assumed technical independence and isolated himself from both India and Pakistan. Gradually, however, when the serious implications of the independence came to be realised, the Maharaja started losing ground for this idea among the Hindus, who now openly supported the accession to India and as a result of that Muslim Conference

also changed its stand[31] and asked the Maharaja to accede to Pakistan. Within a few days after the agreement was signed, Pakistan changed its mood and hardened its attitude towards the Maharaja. Meanwhile, Maharaja released Sheikh Abdullah who hastened to assure his people that he would not sacrifice the interests of Kashmiris due to enmity of Pakistan and friendship of Nehru and Gandhi: "Whatever my ideas about Pakistan, he added, it has become a reality."[32] At this crucial juncture, when the Maharaja fled with bag and baggage, Sheikh Abdullah (along with Meher Chand Mahajan) urged Nehru to accept our offer of sending the troops to rescue Kashmir.[33] Before the Indian army was air-lifted to Srinagar, Maharaja acceded to India[34] and the Governor-General conveyed the acceptance of the same. In his covering letter, Governor-General said, "In consistence with their policy that in case of any state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the state, it is my government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the state's accession should be settled by reference to the people."[35] This wish was also repeatedly reiterated by Prime Minister Nehru.[36]

## UN Mediation on Kashmir

On Ist January, 1948, India appealed to the United Nations and requested the Security Council to ask Pakistan to withdraw the raiders and its forces from the territories of the state. Pakistan, after prolonged silence, presented to the Security Council a long list of complaints against India. The Security Council appointed a Commission (UNICIP) to conduct on the spot investigation of the complaints lodged by India. Long and protracted mediation by the Commission brought round the two governments to accept a ceasefire on the battle front, pending the final disposal of the case.

Both India and Pakistan differ about the nature of the accession of Jammu and Kashmir State. India maintains that it is complete, Pakistan that it was contingent, pending a reference to the wishes of the people. India and Pakistan also have continued to criticise each other's conduct in subsequent years on political, moral and legal grounds, since the issue has been with the United Nations. India's main charge is that Pakistan had blatantly defied the United Nations when she sent troops into

Kashmir. To the Indian accusation that Pakistan is an aggressor which continues to enjoy the fruits of its aggression, Pakistan replies that India, "is a brown colonial country ... of the worst type. What they are doing in Kashmir today in the twentieth century, no white colonial power ever did."[37]

Both India and Pakistan have great stakes in Kashmir; whoever has Kashmir has access to the vital strategic areas in the North-West. Secondly, Kashmir provided the traditional link between Central Asia and the Indian subcontinent. Jawaharlal Nehru briefly summed up the Indian interests in Kashmir in these words: "We were, of course, vitally interested in the decision the state would take. Kashmir because of her geographical position with her frontiers marching with three countries, namely, the Soviet Union, China and Afghanistan, is intimately connected with the security and international contacts of India. Economically also Kashmir is intimately related with India. The caravan trade routes from Central Asia to India pass through Kashmir state."[38] For Pakistan, the stakes are claimed to be equally weighty. In the first place, the relative status of India and Pakistan would be changed in Pakistan's favour if the latter were to secure Kashmir. Another interest of Pakistan in Kashmir, often stressed by her, is economic. The prosperity of agriculture in West Pakistan depended on the six rivers, three of which pass through Kashmir. Also it is claimed that Pakistan has 'no great source of minerals, hydro-electric energy and forest wealth alternative to Kashmir.[39]

## THE FORMATION OF INTERIM GOVERNMENT

After the accession of the state to India, a popular ministry was sworn in by the royal proclamation and Sheikh Abdullah became the Prime Minister on 17th march, 1948, at Jammu. The early phase of the politics of the state as part of independent India was polarised between Maharaja Hari Singh and Sheikh Abdullah. Both were deeply conscious of their respective distinct identities. None was ready to merge his personality or that of the state in what is often called the National mainstream. The Maharaja, at one stage, went to the extent of considering withdrawal of accession of the state from the Indian Union. Sheikh Mohammad Abdullah had always maintained that freedom was more important than accession. He said, "The loyalty and urges of the people of Kashmir were associated with Kashmir alone and not with any other country."[40]

## LIMITED ACCESSION — KASHMIR'S SPECIAL STATUS

Although there was politico-ideological affinity between the National Conference and the Congress, the leadership of the National Conference did not want an instrument of accession that would obliterate their regional-cultural pride. Thus they favoured accession but with autonomy. They demanded special status because they were afraid that the cultural glory of Kashmir would not be secure if they did not have the full freedom for their cultural prosperity in every respect. This requirement of the only Muslim majority province in the Indian Union necessitated some political-constitutional safeguards within the Indian political system. Fearing that Jammu and Kashmir would be included as an integral part of the Indian Union, in much the same way as the other states, Sheikh Abdullah demanded that his state be treated as a special case and given the fullest degree of autonomy consonant with the Act of accesstion.[41] The state was provided special status under Article 370 of the Indian Constitution. The quantum of accession was limited to Defence, Foreign Affairs and Communication. Article 370 was enacted with a manifest objective to constitutionalise Kashmiri identity.[42] Later on, it was decided that though forming part of India, the state would have its own Constitution to meet the peculiar needs of the people, its own flag to symbolise Kashmir's individuality, and a separate head of the state. Perhaps no country furnishes so curious a record of the constant change as Kashmir and it is a matter for surprise that under rapid transition of Governments, varying in race, religion and language, the people of the valley should have retained their peculiar nationality unimpaired.[43]

## PRAJA PARISHAD

However, the Indian state from the very beginning denied the validity of India's multi-national character and the need for a genuine federal structure. In the North-Hindi-Hindu main land the recognition of Kashmiri identity by granting it a special status under Article 370 of the Indian Constitution produced a hostile backlash among the Hindu-Hindi fanatics of various shades. In Jammu, a group of organisations under the platform of Praja Parishad launched an anti-Sheikh agitation. The slogan of Ek-Pradhan, Ek-Nishan, Ek-Vidhan was the key plank of their virulent campaign against the provisions of Article 370. However, it was precisely against the dangers of such proselytization that the provisions of special status for Kashmir were worked out. The Dogras of Jammu founded Praja

Parishad to advocate the last cause of the Hindu supremacy in state politics and administration which held sway before. Also important was the inherent suspicion among the people of Jammu, who stood by and large for the state's total integration with India, of Abdullah's attempt to preserve the autonomy of the state.[44] But much greater furore was caused by the Abdullah's reported statement to Michal Davidson of the 'Scotsman' on 14th April, 1949, to the effect that independent Kashmir guaranteed by U.N.O. may be the only solution.[45]

The fanning of the flame of Hindu communalism resulted in the ambivalence in Sheikh's position about the accession to India. Addressing a public gathering at Khanyar (Srinagar) on Martyrs' Day, July 13, 1953, Sheikh Mohammad Abdullah said, "The basic fact is that we did not lay down our lives for making Kashmir an appendage of either India or Pakistan, but only for the interests of the people of Jammu and Kashmir state. The martyrs left behind this message for us, 'we have done our duty and now it is for the Nation to do its duty'. Joining India or Pakistan does not form that duty, but actually that duty is that Kashmiris should not lose sight of the goal of achieving our independence."[46]

## SHEIKH'S ARREST — POLITICO COUP d'ETAT

Fearing that Sheikh might now raise the demand for an 'Independent Kashmir' the Government led by Nehru also joined hands with the Hindu-communal lobby.[47] The net result of which was that Sheikh was arrested during the dark hours of the mid-night on 8-9th August, 1953. However, it would be wrong to conclude that Sheikh Abdullah was as yet planning to take Jammu and Kashmir into Pakistan. He was evidently angling for a special status — just short of independence.[48]

After the arrest of Sheikh Abdullah, India lost its moral moorings in Kashmir.[49] The leader of the state was dismissed arbitrarily, put under arrest, charged with conspiracy. The allegations launched were fragile enough to warrant an objective investigation. It was a tactical ploy[50] to exercise greater control over Kashmir.

Sheikh Mohammad Abdullah's successor (Bakshi) did not formally deviate from the original political line of his leader. Bakshi Ghulam Mohammad condemned those elements who were working for the "merger of the state with Pakistan or India". As also those who were "dangling the alluring picture of an independent state before the people".[51] But in order to carry favour with the ruling establishment at Delhi, Bakshi

allowed frequent inroads into the autonomy of the state. Among the measures adopted were the application of Fundamental Rights, Articles, extension of the jurisdiction of the Supreme Court and the authority of Auditor-General of India, Approval by the Union Planning Commission of State Development programmes and transfer of services to the Union List.

## THE FORMATION OF PLEBISCITE FRONT

As a logical corollary to these developments within and without Kashmir, a vocal segment of the leaders steered a different political course by forming All Jammu and Kashmir Plebiscite Front. It was formed on August 9, 1955, at Sernal Anantnag, Kashmir. The Jammu and Kashmir Plebiscite Front was established "with a view to bringing about early termination of the political uncertainty in the state and help lasting peace in the subcontinent.[52] It was organised with the objective of "attempting by all peaceful and constitutional means to bring about early settlement of the question of state's accession, in accordance with the will of the people, freely expressed in a fair and impartial plebiscite under the U.N. auspices.[53]

The era of Plebiscite Front politics signalled a phase of withdrawal from Indian system and the emergence of a formidable challenge to the accession of the state of Jammu and Kashmir with the Indian Union. Reminding Pandit Nehru of the assurances he gave to the people, Sheikh Mohammad Abdullah said, "what about those assurances? Let me tell you that the future of the country cannot be decided in Karachi or Delhi. It will be decided by the people through an impartial plebiscite.[54] Kashmir-Muslim personality has been distrustful of not only Pakistanis but also suspicious of Indians as fully justified by Punjabi-domination in Pakistan and anti-Muslim riots in India. Hence his protracted (Kashmiri's) resistance against the tribesmen in 1947 and his determination to keep Article 370 as a wall against the ever-increasing Hindu fanaticism in India.

In the post-1953 period, Kashmir saw an all-round decay and decline. Kashmir lost its market even for those produces which were its traditional items of export. Forests—the evergreen wealth of the Kashmir—were looted by a few favourites and share-holders of the men at the helm of affairs. The subsidised food affected the work-ethic of the people. The rulers during this period initiated policies which watered down the special status of Kashmir. The state legislature adopted a Bill

amending the State Constitution rechristening the Sadar-i-Riyasat as Governor and the State Prime Minister as Chief Minister. In December, 1964, constitutional provisions dealing with President's rule were made applicable to the state in case of break-down of administration.[55] Kashmiris felt deeply aggrieved on another score also, they have been disabled after independence to elect their true representatives to the Legislative Assembly. The very first election to the State's Constituent Assembly held in 1951 had set a definite pattern for the future elections to the State's Legislative Assembly and also broadly laid perhaps unconsciously the foundations for the future style of politics. Similarly, there were persistent complaints about the two elections that were held under the auspices of the Indian Election Commission in 1962 and 1967. On both these occasions the nomination papers of the candidates belonging to the Opposition parties and groups were rejected on a large scale. In a letter, which acquired some fame, Jawaharlal Nehru wrote to Bakshi Ghulam Mohammad after his National Conference won almost all the seats in the 1962 elections: "In fact, it would strengthen your position much more if you lost a few seats to *bona fide* opponents."[56]

The evolution of Plebiscite Front politics in Jammu and Kashmir has had two phases. The first phase started with the formation of Plebiscite Front in 1955 and ended in 1964. The first phase can be reasonably called as the phase of Kashmir Conspiracy case. The second phase started with the withdrawal of Kashmir conspiracy case and subsequent negotiations between Jawaharlal Nehru and Sheikh Mohammad Abdullah to reach some political settlement over Kashmir. The changed Indian approach[57] to Kashmir necessitated a dialogue with Sheikh Mohammad Abdullah. The war with China in 1962 had a substantial impact on the Kashmir problem. There was Anglo-American pressure on Nehru to settle the Kashmir problem with Pakistan. President Ayub Khan of Pakistan also indicated on different occasions. His recognition of inter-dependence of the two countries in the subcontinent[58] merits consideration in this regard.

Inside the state, changes of far-reaching importance were taking place. Bakshi Ghulam Mohammad resigned under Kamraj Plan and Mr. Shamas-ud-Din took over as the Prime Minister of the State. This apple-cart was upset by the theft of the holy Relic from the Hazratbal shrine. There were spontaneous and massive demonstrations in the valley and Lal Bahadur Shastri who was in Kashmir along with the others urged

Nehru to order the release of Sheikh Mohammad Abdullah. For the Home Ministry, the Sheikh was still a great danger to the Nation. One day, notes Gundevia (who was present during the incident), Nehru lost his temper at a bureaucrat conveying such doubts and said furiously, "If a damned thing can't be proved in four years, in six years, there is obviously nothing to be proved."[59]

The changed Indian approach to Kashmir necessitated a dialogue with Sheikh Mohammad Abdullah. Pandit Nehru stressed the need for a new approach towards Kashmir. The Prime Minister told the Cabinet: "That even after 15 years of association, if Kashmir still remained in such an unstable state that even on a simple issue like the "Mohai Mukadus" the people could be so provoked as to rise in defiance of the Government, then in my opinion a new approach had to be made and a radical change in our thinking about Kashmir was called for."[60] This was Mr. Nehru's first painful reappraisal of Kashmir policy.

In the light of this realization Sheikh Mohammad Abdullah was released in early 1964 and was permitted to go to Pakistan in order to enlist their participation in the settlement of the dispute. The only logical answer to Sheikh's mind was a confederation of India, Pakistan and Kashmir. Mr. Ayub Khan, to the disappointment of Sheikh Mohammad Abdullah, shot down the idea of confederation, labelling it as an 'absurd proposal'[61] brought at the instance of Nehru.

The second phase of Plebiscite Front started with the end of the war of 1965. To break the stalemate, Sheikh Mohammad Abdullah convened what he called Jammu and Kashmir State People's Convention in October, 1968. In his inaugural address to the convention Jaya Prakash Narayan suggested that "after 1965 war, Pakistan had no locus-standi in Kashmir dispute which would now only be settled within the framework of the Indian Constitution".[62] There was a squint in the Sheikh's eye even after this Convention which disappeared with the dismemberment of Pakistan after 1971 war. In 1971 Plebiscite Front was banned and Sheikh Mohammad Abdullah and Mirza Mohammad Afzal Beg were prohibited from entering the valley. It was only on 5th June, 1972, after Indian army had won the war that Sheikh was allowed to return home. The dismemberment of Pakistan reduced the bargaining capacity of Kashmir leaders to balance India and Pakistan which led to their 'Accord' with Government of India. By now, Sheikh had finally become convinced that the only hope of a solution lay in a bilateral deal with Delhi. On 23rd June, 1972,

speaking at the Hazratbal mosque, Sheikh Abdullah announced that he had given Mirza Mohammad Afzal Beg "full authority to discuss with any representative of Mrs. Gandhi, a greater autonomy formula for Kashmir".[63] In the early hours of Monday, 2nd July, 1972, was signed the 'Simla Agreement'[64] between Indian and Pakistan.

## KASHMIR ACCORD

The era of dialogue started in 1972 when Mirza Mohammad Afzal Beg declared: "We are prepared to consider in all sincerity the re-establishment of relations on the basis of the literal and lexical interpretations of Article 370 and its implications."[65] What Beg wanted was that the Government of India must recognise the autonomy of the state as it existed in 1953. Although it could not be possible, yet the efforts put in by the Government of India and the leaders of Plebiscite Front made the latter 'Kashmir Accord' possible. It was decided that Mirza Afzal Beg and G. Parthasarthy should jointly explore the areas which had legal and constitutional character. On 24th February, 1975, the text of six-point Kashmir Accord[66] was announced in Parliament. From the constitutional point of view the most striking feature of the new arrangement is the Prime Minister's statement that Article 370 has become a permanent feature of the Constitution of India.[67]

## NOTES AND REFERENCES

1. Sir Syed Ahmad Khan had come to the conclusion that the Muslim community had suffered because it had gone on the wrong side of the ruling power and was suspected by its representatives of disloyalty. He wanted his co-religionists to prove by their acts and words that they were loyal to the British, totally and unreservedly loyal. Iqbal Singh, *The Ardent Pilgrim* (Longmans, 1951), pp. 22-23.
2. Mehta and Patwardhan, *Communal Triangle in India* (Allahabad, 1942), pp. 24-32.
3. Cited in V.P. Verma: *Modern Indian Political Thought* (Laxmi Narayan Aggarwall, Agra), p. 362.
4. Sir Mohammad Iqbal in his earlier days advocated the philosophy of Indian nationalism based upon composite Indian culture and secular nationalism. Maulana Shibli and Hali assumed the same postures in their writings.

5. K.U. Kureshy, *A Geography of Pakistan* (Oxford Press, London, 1977), p. 2.
6. Sangat Singh, *Pakistan's Foreign Policy,* (Asia Publishing House, New Delhi, 1970), p. 3.
7. Writing about the initiation of his pamphlet, The Millat — The Mission, Chowdery observed: "Such, thanks to Allah's dispension, was the outcome of the first part of the Pak Plan the part which was placed before the Millat in 1933. Cited in Lal Bahadur, *Struggle for Pakistan* (Sterling, New Delhi, 1988) p. 316.
8. Letters of Dr. Iqbal to Mr. Jinnah, Lahore, Sheikh Mohammad Ashraf 1946, Cited in Lal Bahadur, *Struggle for Pakistan* (Sterling, New Delhi, 1988), p. 307.
9. Moin Shakir, *Khalafat to Partition* (Ajanta Publications, 1983), p. 101.
10. When the group of some 'Cambridge students' sent to him a plan of Pakistan, he scoffed at it as a 'Children's chimera'. Cited in Lal Bahadur (Fn. 7), p. 13 of Introduction.
11. One may mention here that the idea of 'Hindu Raj' had come into being immediately after the formation of the Indian National Congress. Dr. A.O. Hume wrote to the Secretary, Standing Committee of Indian National Congress: "You will remember the worthy gentleman who desired to pass a resolution in the Congress that 'Cow killing' should be made a penal". This letter was written in 1986.

    Source material for writing history, Vol. 2, p. 66 cited in Moin Shakir (Fn. 9), p. 180.
12. "Azad Paper" cited in *India Today* (November 15, 1988), p. 107.
13. Moin Shakir (Fn. 9), p. 182.
14. A. Punjabi, *Confederacy of India* (Lahore, 1942), p. 269.
15. "Recent Writings and Speeches of Mr. Jinnah", p. 127 cited in Moin Shakir (Fn. 9), p. 193.
16. Surender Nath Kaushik, "Bizenjo's Four Nation Theory — A Quest for Regional Autonomy", *South Asian Studies,* December, 1984.
17. "Bijoy Prasad Singh Roy" cited in Lal Bahadur, *Struggle for Pakistan* (Sterling, Delhi), pp. 229-230.
18. *The Indian Annual Register,* Vol. I, January-June, 1946, p. 44.
19. Cited in Lal Bahadur (Fn. 17), p. 250.
20. At its 1955 session, for instance, Indian National Congress postulated as its fundamental aim the creation of "Socialistic Pattern of Society".

Cited in Gunnar Myrdal, *Asian Drama* (The Penguin Press, London, 1968), p. 276.

21. All India Muslim League formed in 1906 was a classic combination of the landlords, the Nawabs and the Khan Bahadurs who gladly joined hands with the clergy. It was a classic combination of two traditional forces, one desparate to preserve its economic power and the other determined to continue its social domination. M.J. Akbar, *India the Siege Within* (Penguin, 1985), p. 24.

22. The dividing line in Kashmir history is often drawn between periods of Kashmiri and non-Kashmiri rulers. Thus many Kashmiris believe that they lost their freedom in 1586 when Akbar's army annexed Kashmir to the Mughal Empire. Balraj Puri, *Triumph and Tragedy of Indian Federalisation* (Sterling, Delhi, 1981), p. 17.

23. The Jazia or poll tax on Hindus was revived and many Brahmins either fled the country, or killed or were converted to Islam.

    Walter Lawrence, *The Valley of Kashmir* (Kesar Publications, Srinagar, 1967), p. 197.

24. *White Paper on Indian States*, p. 161.

25. Sisir Gupta, *Kashmir—A Study in India-Pakistan Relations* (Asia Publishing House, Delhi, 1966), p. 93.

26. Balraj Puri (Fn. 22), p. 52.

27. *Hindustan Times*, June 1, 1947.

28. *Ibid.*, June 11, 1947.

29. Pyarelal, *Mahatma Gandhi : The Last Phase*, Vol. II (Navjivan, Ahmadabad, 1958), p. 342.

30. "The standstill agreement, as provided in the Indian Independence Act, would guarantee that until new agreements were made all existing agreements and administrative arrangements would continue."

    See: V.K. Krishna Menon, *Kashmir: Speeches in the Security Council* (Jan.-Feb., 1957, Publication Division, 1958), pp. 8-9.

31. On 10th May, 1947, the acting President of Muslim Conference Hamidullah Khan, in a Press statement urged Maharaja to "declare Kashmir Independent immediately" and establish "separate Constituent Assembly to frame the Constitution for the state according to the wishes of the people." He offered the cooperation of Muslims in carrying out this policy and to welcome the Maharaja Bahadur as the first constitutional ruler of independent and democratic Kashmir".

    See Teng, Bhat, Kaul, *Kashmir: Constitutional History and Documents*

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(New Delhi, 1977), p. 534.

32. *Khidmat*, Srinagar, 2nd October, 1947.

33. Sheikh Mohammad Abdullah, *Attashi-e-Chinar* (Ali Mohammad, Srinagar, 1984), p. 418.

34. The state acceded to India in respect of Foreign Affairs, Communication and Defence only.

35. *White Paper on Jammu and Kashmir*, New Delhi, 1948 (C.F. Appendix). Cited in Balraj Puri (Fn. 31), p. 61.

36. In a telegram dated October 31, 1947, to Mr. Liaqat Ali Khan, Mr. Nehru said: "Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the state to the people of the state is not merely a pledge to your Government but also to the people of Kashmir and to the world." *White Paper on Jammu and Kashmir*, p. 48.

    Also see: A.G. Noorani, *The Kashmir Question*, (Manaktalas, Bombay, 1964).

37. Speech by Feroz Khan Noon, National Assembly, 8th March, 1958 (See: *Pakistan National Assembly Debates*, 1958), Vol. 1-20, pp. 1035-36.

38. Speech by Nehru in the Constituent Assembly, 25th November, 1947.

    S.L. Poplai (Ed.) *Select Documents on Asian Affairs, India, 1947-50*, Vol. I, p. 389.

39. The stakes of Pakistan in Kashmir were elaborately dealt with by Sir Zafarullah Khan in the Security Council on 8th February, 1950.

40. *Ranbir*, Jammu, 13th May, 1948.

41. David Lockwood, *The Lion of Kashmir* (Thesis submitted to Johns Hopkins University, 1973), p. 144.

42. Kashmiri identity is rooted in the history and traditions of the Kashmiris who are a people separate and distinct from those inhabiting the surrounding areas. It animates the Kashmiri Pandits as much as the Kashmiri Muslims. Religion blinds together the Muslims of Kashmir and Jammu but the Quom (Nation) of the Kashmiris holds little appeal for the Muslims of Jammu.

    *India Today*, December 1-5, 1977, p. 51.

43. Walter Lawrence (Fn. 23), p. 203.

44. Sisir Gupta (Fn. 25), p. 378.

45. *Jammu and Kashmir Yearbook*, Jammu, p. 92.

46. Cited in David Lockwood (Fn. 41), p. 221.

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47. Sardar Patel was also actively involved in this lobby. The Praja Parishad while demanding compensation for land, besides complete integration of state with the Indian Union, found a sympathiser in Sardar Patel whom Y.D. Gundevia, a top ranking civil servant of the Government of India who was closely connected with Kashmir Affairs, has quoted as having said:—

    "The Sheikh had gone miles outside the Indian Constitution in denying his people even the fundamental rights, specifically in regard to property ... particular care would have to be taken to preserve the basic character of the decision taken by this House on the question of land compensation.

    Y.D. Gundevia, "A Monograph on Sheikh Mohammad Abdullah" in *The Testament of Sheikh Abdullah* (Dehradoon, 1974), p. 108.

48. B.N. Mullik, *My Years with Nehru* (Allied Publishers, New Delhi, 1971), p. 39.

49. The arrest of Sheikh Mohammad Abdullah in 1953, his imprisonment, subsequent externment and declaring the Plebiscite Front an unlawful party had not only eroded the legitimacy of the accession but cast a shadow on the democratic institutions and the functioning of democracy in the country. Undoubtedly, the use of repression, and other unlawful practices had started in the Sheikh's regime itself in 1951 State Assembly elections. But after 1953, what passed under the pretention of elections in the state and the manner in which the country's political parties and National press entered into a conspiracy of silence, accepting the suppression of justice, democracy and moral values as an unpalatable yet inevitable reality, left an indelible stigma on the fabric of Indian democracy. See *Seminar*, April, 1978, p. 16.

50. Russel Brines, *The Indo-Pakistan Conflict* (Pace Mall, London, 1968), p. 86.

51. Radio broadcast by Bakshi Ghulam Mohammad on August 9, 1953 (Lalla Rookh Publications, Srinagar).

52. Author's interview with G.M. Shah.

53. *Ibid.*

54. Sheikh Mohammad Abdullah, *Awaz-i-Haq;* Mujmoah-i-13th January 1958 to 7th March 1958 (Srinagar, 1958), pp. 14-15.

55. *The Statesman* (Calcutta), 22nd December, 1964, p. 1.

56. Cited in M.J. Akbar (Fn. 21), p. 258.

57. "We must not do anything to create an atmosphere which comes in the way of any future arrangement between India and Pakistan. I would have hoped that India and Pakistan would be able to come together much closer, even constitutionally closer. I do not say so because this annoys Pakistan."

Winding up the debate on Foreign Affairs to the Lok Sabha, on 13th April, 1964, See: *Lok Sabha Debates*, Series 3, Vol. 29, 1964, cal. 10717.

58. Writing in the Foreign Affairs, Ayub Khan repeated what he had been saying earlier: "As a student of war and strategy, I can quite clearly see the inexorable push of the North in the direction of the warm waters of the Indian Ocean. This push is bound to increase if India and Pakistan go on squabbling with each other. If, on the other hand, we resolve our problems and disengage our armed forces from facing inwards as they have to do and we face them outwards, I feel we shall have a good chance of preventing a recurrence of the history of the past, which was that whenever this subcontinent was divided — and it was often divided — some one or other invited an outsider to step in."

    Mohammad Ayub Khan, "Pakistan Perspective", *Foreign Affairs* (New York, July 1960), p. 556.

59. Y.D. Gundevia: "A Monograph on Sheikh Mohammad Abdullah" in *A Testament of Sheikh Mohammad Abdullah*, Cited in M.J. Akbar (Fn. 21), p. 260.

60. B.N. Mullick (Fn. 48).

61. In fact, Ayub Khan himself had categorically stated in May, 1964, at a public meeting in Peshawar, that Pakistan would never agree to a federation or confederation as a solution of the Kashmir issue. He said once a confederation was formed, however limited its scope, "it goes on assuming more and more powers, even if it was confined to Defence, Foreign Affairs and Communication, all the residuary subjects could easily be made to be under those three subjects. See *Pakistan Times*, Ist June, 1964.

62. Balraj Prui (Fn. 26), p. 174.

63. Sheikh Mohammad Abdullah's speech on 23rd June, 1972.

64. It was Simla Agreement which had conceded, for the first time, that the Kashmir question was open for discussion and hence negotiable between India and Pakistan. Article 1 of it provides that the principles and purposes of the United Nations Charter shall govern the relations between the two countries. Article 2 categorically affirms that "the two countries are resolved to settle their differences by peaceful means mutually agreed upon between them." The same article provides, "pending the final settlement of any of the problems between the countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations. Furthermore, apart from reiterating the five principles of peaceful co-existence in Article 3, and stressing in Article 4 that "the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means. Article

5 states that they shall always respect each other's national unity, territorial integrity, political independence and sovereignty and equality.

See *Indian Express*, January 2, 1988, p. 8.

65. Mirza Mohammad Afzal Beg, Khutba-i-Sadarat Barai Salanah Ijlas Jammu and Kashmir Mahaz-i-Raishumari.

66. Jammu and Kashmir, a constituent unit of the Union of India, would continue to be governed by Article 370. The residuary powers of legislation would remain with the state, but parliament would retain the power to legislate on any matter concerning the territorial integrity of the country. The sharing of power was based on the premise that the Centre's responsibility would be the unity of the country, while the state would be in charge of its welfare.

67. See *Amrit Bazar Patrika* (Calcutta), 26th February, 1975.

# CONCLUSION

In the past nationalist leaders in Third World countries and scholars associated with the theories of "nation-building" generally believed religious ethnic minorities to be minor irritants that would disappear with the ongoing process of modernization. Through rapid expansion of communication and transportation networks as well as through increased literacy and urbanization, religious, linguistic and cultural minorities would rise above ethnic-cultural cleavages and develop a national identity based on the state boundaries inherited from the colonial period. In recent years, however, many of these scholars no longer perceive the emergence of nation-states based upon a homogeneous political culture as an inevitable development. Sub-nationalisms of 'primordial society' are likely to have a long life ahead of them and that with rare exceptions they are not likely in any presently calculable time to yield to blandishments or pressures to merge wholly into an unfamiliar civil state, born yesterday from the meagre remains of an exhausted colonial regime which has been superimposed upon them. Short of genocide, it will be impossible to get ride of the so-called primordial loyalties based on cultural, religious and ethnic ties.

Most of these new states that emerged at the end of World War II are based upon cultural pluralism. A plural society is one in which different sections of the community live side by side but separately within the same political unit. India has often been described as an example of a plural society where such sub-national identities are pervasive and where political integration leading to the development of a homogeneous national political culture is unlikely to take place.

In the period 1931-47, the nationalist movement in Kashmir advanced despite the attempts of militant Hindu forces in alliance with the feudal autocracy of the Dogra Maharaja to destroy it.

The national aspirations of the Kashmiri people could not be crystallized into a national revolt of a regionalised community of culture for a long period of time. The reason for this was the existence of an extreme form of feudal exploitation by the Dogras, who had bought Kashmir from the British. It should be clear that what was coming up in the valley in the thirties was not just discontent of the urban and rural masses, nothing indeed is more central to Kashmir's contemporary history than the upsurge of the formerly long-subordinated Kashmiri culture of the mass of the population against the age-long domination of the Brahmans. The Muslims of the valley, being the first target of feudal exploitation, were the first to raise the banner of national revolt in the years 1930-31. The objective nature of the movement helped the growth of the regionalised community of culture in Kashmir. The democratic and nationalist spirit of the struggle was recognised by various national leaders of India including Maulana Abul Kalam Azad and Jawaharlal Nehru. Maulana Azad criticised the attitude of the British imperialists and the Hindu press for trying to interpret and project the movement as a result of the dispute between the Hindus and the Muslims. These Congress leaders also recognised Kashmiris' identity as a separate cultural and political group.

However, the liaison with the Indian National Congress did not come in the way of emergence of an inherent identity consciousness in Kashmir. Ethnicity is the desire to conserve or recapture a political identity based upon race, region or any tradition which has its rationale in membership of an ethnic group — a group in terms of blood-relation, language and regional attachment.

The major ethnic groups of Jammu and Kashmir are Kashmiris, Dogras, Ladakhis, Gujjars and Dards.

Kashmiri identity is the product of territorial homogeneity the folk-cultural specificities, the common heritage of Kashmiri civilization and its linguistic identity, uniformity of artistic, literary and aesthetic tradition and similarity in ethnical-psychological make-up as well as in dress, food habits, etc., based on climatic-geographical conditions and socio-cultural moves evolved so far. The Kashmiris, whether Hindu or Muslim, thus vitally differ in some respects from their counter-parts in the sub-continent.

Identity is a continuous, anthropological, sociological and cultural process from first glacial period and the beginning of second ice age in the South-West of Himalayas. In the remote past, Burzahama excavations indicate existence of highest civilization in the Kashmir, matching highly civilized countries of that epoch.

Kashmiri identity is not a new idea, it should be understood in its historical perspective and also within the broader framework of the rich and unique culture of Kashmir. Kashmiris have witnessed two great cultural and political revolutions in the bygone ages. First, in the third century B.C. when Buddhism ousted Vedic Brahmanism and established an equitable society. The second revolution occurred in the 14th century A.D. when Hindu politely lost its progressive potentialities and was fatally struck down by Islam. The Kashmiris welcomed new creeds but refused to be swept off their feet and get overwhelmed by them. Whatever was progressive, truthful and positive in the new faiths they did not hesitate to own, they chose the path of electicism and evolved philosophies — Trika Shastra on the former occasion and the Reshi cult on the latter — to preserve and enrich their own culture. They refused to succumb or get absorbed. In this way, they gradually, through the centuries, built a national character and peculiar individuality of their own which they were zealous to preserve in sunny as well as rainy days. The lesson of history, therefore, is that a Kashmiri is tolerant, willing to imbibe fresh ideas and truth, ready for compromise but never prepared to abandon cherished principles, lose identity or yield before physical force or injustice. Here was the Kashmiri identity in making. Commitment to the mother tongue is an imperative of the Kashmiri identity.

Geography has played an important role in preserving the distinct identity of Kashmir. Kashmiris have a great love and devotion for their motherland (Mouj Kashir). Unless compelled by force of the circumstances, a Kashmiri is as reluctant to move out of his vale today as he was in the days gone by. Kashmiris have always used their language for the expression of their intense love for the valley.

The dawn of Islam in Kashmir neither turned Jewish, Buddhist or Hindu traditions upside down nor distorted any of them but absorbed each in itself. This absorption, however, converted the land of Kashmir from the land of holy trees, sapher — the Hebrew influences, through stupas, vihars and land of Parvati to that of 'Peer wer' i.e. (Land of Peers). The Kashmiri ethos came to stand for religious tolerance, communal amity,

etc. To live and let live. To forge friendship and cultivate lasting bonds.

The national movement in Kashmir from the very beginning was carried forward in a more or less autonomous and a relatively independent form. This feature of the Kashmir movement also helped in the emergence of a specific popular consciousness in the minds of the people, which was in many ways different from the dominant form of national consciousness in India.

When independence came, entire subcontinent was in flames with communal passions Kashmir kept cool, demonstrated exemplary communal amity and peace. M.K. Gandhi could not restore harmony in the Hindu or Muslim majority areas of India during those days. He greeted Kashmiris with a message: "I see a ray of hope in darkness in Kashmir". This is the Kashmiri identity in its sublime. In 1947, Kashmiri mind was pre-occupied by two paramount considerations, getting rid of a non-Kashmiri and non-Muslim rule and protection of Kashmiri identity. Indian leadership promised both. Accordingly under Article 370 of the Indian Constitution, the state was conferred a special status. Indian reaction, spear-headed mostly by Jammu region, remained consistent in its abrogation. Various outbursts, pressures and incidents resulted in its erosion so much so that after the Accord of 1975, the issue of Article 370 could not appeal the people of the Kashmir. Instead, the Kashmiris especially the younger generation who constitute the backbone of the present movement realized that Kashmir's salvation lies in separation from Indian Union.

Kashmiri identity has been deformed and distorted to a large extent. Its basic culture, language, economic life and psychological make-up are brushed aside. The miliant Hindu Nationalism as propagated by Hindu chauvinists in India, has endangered Kashmiri identity.

# APPENDIX 'I'

# THE DIXON REPORT

Text of the summing up and concluding portion of the report of Sir Owen Dixon, UN Representative for India and Pakistan on Kashmir, submitted to the Security Council in September, 1950.

95. It will be seen that two main lines have been pursued in the attempts which have been made to settle the dispute between the two countries about the State of Jammu and Kashmir. The attempt to find a solution by taking a plebiscite over the whole State and so decided by a majority to which country the entire State shall go has its origin in the first proceedings before the Security Council. It would be recalled that by the resolution of 21 April 1948 the desire of both India and Pakistan that the question of accession of the State to one or other of them should be decided by and free and impartial plebiscite was noted with satisfaction. In the agreed resolution of the United Nations Commission for India and Pakistan of 5 January 1949 there is a recital of the acceptance by the Governments of both countries of the principle that the question of the accession of the State to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.

96. From the date of this resolution until the present there have been continual efforts to bring about conditions in which the preparations for taking a poll might go forward. No one has supposed that they could even begin while much of the respective territories on either side of the cease-fire line was occupied by opposed armies and their base units. There are in addition many other obstacles to the holding of a free and fair plebiscite

which must be removed before the State would be ready for the organization and machinery which the taking of a poll would make necessary. Unfortunately all this has been made to depend upon the agreement of the parties. It is enough to refer to paragraph 2, 6 (a) and 10 of the resolution of 5 January 1949 and to the provisions of the resolution of 13 August 1948 upon which these paragraphs hang.

97. There is, I believe, on the side of India a conception of what ought to be done to ascertain the real will of the people which is not that tacitly assumed by me. Doubtless it is a conception which Pakistan does not share. The resolution of January 1949 contains some rather general provisions in relation to the holding of the plebiscite and the antecedent steps, and about these more general provisions the parties were able to agree. But to apply propositions of this kind a programme of practical acts and physical events must be agreed upon. Without that it is impossible for the Plebiscite Administrator to begin the extensive and difficult work of organizing the taking of a poll. It is the practical measures which have proved the obstacle, not the more general propositions.

98. Pakistan has complained of India's failure to agree on the practical measures which must precede the preparations for the actual taking of a poll, and has maintained that this failure is the result of a deliberate policy. But the fact remains that under the resolutions the agreement of India to the course to be pursued in these matters is a condition-precedent to carrying out a plebiscite of the State, and there is no such agreement. Moreover the United Nations Commission failed in its efforts to secure an agreement upon them; I failed in mine; neither party put forward any other proposals and both appeared to concur in the view that the possibility of agreement has been exhausted.

99. The contention of Pakistan that it was incumbent on India to agree did not advance the matter practically. It was in these circumstances that I decided to turn away from a plebiscite of the whole State, an "over all" plebiscite, as a method of solving the problem of Kashmir. Partition of the whole State between the two countries is of course an obvious alternative. But unfortunately the Valley of Kashmir cannot itself be partitioned and it is an area claimed by each side. Pakistan claims it not only because it is predominantly Muslim but also because the Jhelum river flows from it and Pakistan will not readily give up her claim. India is just as insistent upon her claim and has the advantage of possession. Some method of allocating the Kashmir Valley to one party or the other is, therefore, essential to any plan of partition.

100. I am inclined to the view that no method of allocating the Valley to one or the other of the contending parties is available except a poll of the inhabitants. By the inhabitants I mean those of them who fulfil whatever may be fixed as the test of eligibility to vote. The difficulty of using the expedient of a plebiscite appears to lie entirely in the conflict between on the one hand the necessity of ensuring that the plebiscite is held in conditions which make it an effective means of ascertaining the real will of the people independently formed and freely expressed and, on the other hand, certain conceptions or preconceptions of the Indian Government. These are based, in part, on what India conceives to be the origin and course of the fighting in 1947 and 1948 and in part on her unwillingness to have any interference to the civil administration. In addition, it may be, as I have suggested, that a different conception exists of the process of ascertaining the will of the people. Although I myself found no reconciliation of this conflict possible, it may be that with India's help some resolution of the conflict may be discovered. She may come to realize that the necessity of practical measures which will really secure the freedom and fairness of a plebiscite must be paramount over these conceptions. At all events I have formed the opinion that if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan it now lies in partition and in some means of allocating the Valley rather than in an overall plebiscite. The reason for this may be shortly stated (Emphasis added).

101. The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharaja. That is the unity it possesses. If as a result of an overall plebiscite the State as an entirety passed to India, there would be large movements of Muslims and another refugee problem would arise for Pakistan who would be expected to receive them in very great numbers. If the result favoured Pakistan a refugee problem, although not of such dimensions, would arise for India, because of the movement of Hindus and Sikhs. Almost all this would be avoided by partition. Great areas of the State are unequivocally Muslim. Other areas are predominantly Hindu. There is a further area which is Buddhist. No one doubts the sentiment of the great majority of the inhabitants of these areas. The interest of the people, the justice as well as the permanence of the settlement, and the imperative necessity of avoiding another refugee problem all point to the wisdom of adopting partition as the principle of settlement and of abandoning that of an

overall plebiscite. But in addition the economic and geographic considerations point in the same direction. The difficulty in partitioning the State is to form a sound judgment where the line should be drawn.

102. While what I have said deals broadly with the State as a whole, it is by no means easy to fix the limits on each side. That is because it is necessary that the territory allocated to each side should be continuous in itself and should be contiguous with that country, because there are pockets of people whose faith and affiliations are different from those of people by whom they are cut off, because the changes in the distribution of population as the result of the troubles cannot be completely ignored and because geographical features remain important in fixing what may prove an international frontier.

103. I shall not deal with the matter with more particularity, and I say so much only in case the Security Council should be of opinion that it should take further steps to effect a settlement between the parties. But for myself I doubt whether it may not be better to leave the parties to themselves in negotiating terms for settlement of the problem how to dispose of Jammu and Kashmir between them. So far the attitude of the parties has been to throw the whole responsibility upon the Security Council or its representatives of settling the dispute notwithstanding that except by agreement between them there was no means of settling it.

104. When actual fighting was going on between them it was natural, if not necessary, that the Security Council and the Commission as its delegate should intervene between them and propose terms to stop the hostilities and the question came to be how to settle the rival claims to Kashmir, the initiative was still left with the Security Council and the Commission. The whole question has now been thoroughly discussed by the parties with the Security Council, the Commission and myself and the possible methods of settlement have been exhaustively investigated. It is perhaps best that the initiative should now pass back to the parties. At all events I am not myself prepared to recommend any further course of action on the part of the Security Council for the purpose of assisting the parties to settle between them how the State of Jammu and Kashmir is to be disposed of.

105. The continued maintenance of two armies facing one another across a ceasefire line is another matter. A danger to peace must exist while this state of things continues. Except for mutual distrust and fear, one of another, there is no reason why the two countries should go on

maintaining armies separated only by the ceasefire line. It is a boundary which might be kept by check posts and the like in the same way as any frontier between countries at peace. It is hard to believe that the Indian and Pakistan Chiefs of Staff would have any difficulty in arranging for a concurrent reduction of forces or in effecting the necessary changes in the manner in which the ceasefire line is held, if they were instructed by their respective Governments to meet for the purpose.

106. Before leaving the subcontinent I addressed to the Prime Ministers severally a request that this should be done. It is a matter in which the Security Council is directly concerned because it involves a proximate danger to peace.

107. I recommend that the Security Council should press the parties to reduce the military strength holding the ceasefire line to the normal protection of a peace-time frontier.

108. In the meantime it is my recommendation that the party of United Nations Military Observers be retained on the ceasefire line. They cannot continue there indefinitely but after a time the question of their withdrawal might be settled in consultation with the two Governments.

Sd/-

Owen Dixon
United Nations Representative
for India and Pakistan.

15th September 1950.

# APPENDIX 'II'

# ABDULLAH'S "UNDELIVERED" SPEECH (1953)

A speech drafted by Sheikh Mohammad Abdullah for the Id congregation on 21st August 1953 at Srinagar could not be delivered as he was arrested on 9th of that month. The draft, released by Mirdula Sarabhai in 1956, which gives an indication of his mind at the time of the August crisis, is reproduced below. The report of the speech was drafted, it would be seen, for a wider national audience outside Kashmir Valley, with a view to softening their attitude towards Abdullah.

"For some time friends in India have wanted to get a clear idea of the developments in Kashmir. I have tried to explain these developments in my recent speeches. Unfortunately my attempts to focus public attention on these developments and to present a sincere and frank analysis of the situation obtaining in the State have been misconstrued. I have noticed that my efforts in taking the country into confidence and awakening the people to the situation have produced contrary effects.

"I am conscious that millions in India are attached to Kashmir by association and sentiment. We have been brought nearer by suffering and sacrifice of the last five years for common objectives. It is easy to understand, therefore, that millions among the Indian people feel vitally interested in the events in Kashmir. If things go wrong here, they feel agitated and perturbed. Unfortunately, they are seldom told the truth or given a frank and sincere appraisal of the developments here. What they do get is either as a sop or a provocation to their feelings.

"I shall try to give here a precise account of the situation in Kashmir. In the first place, let me say that after having waited for over five years for a settlement of the Kashmir dispute — which means more concretely, the settlement of their future and the generations to follow — the people of Jammu and Kashmir feel that they can no longer live in the present suspense. This uncertainty and suspense does not only tell on the minds and nerves of the people but also affects activity of the Government in all

directions. Almost all measures for raising the economic standards of the people carry a stamp of unreality in face of the over-riding uncertainty. Efficiency in administration suffers as the civil servants get mixed in opposite groups of power and vested interest. It becomes difficult to plan and delay occurs in the implementation of various nation-building schemes which must all wait for an over-all solution. The prevalent uncertainty encourages corruption and the unscrupulous make hay while the drift lingers on. In the meanwhile, the uncertainty hits the people economically as the old sources of income dry up and new ones are scarce to find.

"A question arises why do the people feel any uncertainty about their future since the State has acceded to India and why is not this accession finalised, by a vote of the Constituent Assembly? This question is more simple to ask than answer. Those who put this question are people with good faith and intentions. Unfortunately, in our eagerness to find a speedy solution of a difficult problem, we sometimes overlook the basic difficulty of the problem. The accession of Kashmir to India otherwise is complete in all other respects possesses one essential disqualification. It is an accession accepted provisionally being subject to subsequent ratification by the people and, therefore, lacking finality and as such a major contribution to the uncertainty itself. It is also true that Pakistan has come to occupy the position of a party directly and vitally concerned with this issue. It is important to bear this fact in mind when we propose, in our eagerness, to end the uncertainty to settle the issue of accession quickly. As if this factor did not create enough complications on its own, added to it is the fact that the Kashmir problem continues to be a favourite topic on the agenda of the Security Council to be discussed when and as necessary and a matter of international dispute.

Then there is the suggestion that the accession should be finalised by vote of the Constituent Assembly. The question is : are decisions of the Constituent Assembly binding on India, Pakistan and the United Nations? The Government of India, as a principal party to the dispute, itself does not consider a decision of the Constituent Assembly on the accession issue binding on it. This is clear from Shri B.N. Rau's statements in the Security Council as leader of the Indian Delegation in March, 1951.

Another fact which needs mention is that nearly one-third of the State's area is unrepresented in the Constituent Assembly.

Could a vote of the Constituent Assembly, therefore, produce a solution of Kashmir dispute and end uncertainty? I should say no.

I think here I should refer to the Delhi Agreements. These agreements were endorsed both by the Indian Parliament and the State Constituent Assembly and we are committed to them. The question, however, is, would the implementation of these agreements in any way meet the demand of the people of the State to end the present uncertainty? No doubt these agreements are an attempt to define clearly the position of the State in India in regard to certain matters. Assuming that our Constitution would provide appropriate provision with regard to these matters and that these matters are clearly stated therein, the question is : would we thereby succeed in finalising accession, the basic relationship. If this relationship itself is subject to ratification and, therefore, provisional, the character of the Delhi Agreements, which flow from such relationship must be temporary and interim and hence hardly contributing to a settlement of the State's future. So the uncertainty continues and the people groan and suffer.

Of late, fortunately, there is a marked improvement in the relation of India and Pakistan. The news of the recent meetings between the Prime Ministers of India and Pakistan in Karachi filled the people of the State with jubilation and hope. There is growing awareness among the people of the State that a satisfactory and lasting solution of the Kashmir problem is possible only if both India and Pakistan examine this problem from the interest of the good of the people of the State as a whole. The State of Jammu and Kashmir is so situated geographically that it depends for its economy on a free flow of trade to both countries. Within the State there are well-demarcated cultural and ethnological groups who possess strong ties with neighbouring populations of West Punjab, N.W.F.P. and the East Punjab. In between these divergent influences is placed the Kashmir Valley and some of its adjacent areas. The people of the Valley have strong political bonds and association with the national leaders and people of India. In their struggle for freedom against autocracy in the past, they looked to the Indian leaders as allies. Themselves professing faith in secular principles, they look towards India for fulfilment of their social and political objectives. Since ages, Kashmiri arts and crafts have found markets in India. At the same time, the rivers and roads of Kashmir stretch into Pakistan, while our only road to India remains blocked for nearly three months in a year. Kashmir's rail-head used to be in

Rawalpindi and the traders in the Valley would use Karachi as the sea-port for overseas trade. Kashmir used to get essential necessities from West Pakistan. These circumstances lend overwhelming weight to the aspirations of the people of the State to secure the goodwill of both India and Pakistan for their betterment and prosperity. They aspire that somehow the dispute should be settled in a manner as to allow them opportunities for national development based on Indo-Pak concord. In the face of this genuine popular feeling, the National Conference organisation opposes pro-merger sentiments of these cultural and ethnological groups whose sympathies and loyalties run outside their own State and the only result of whose activities would be to destroy the basic structure of the State.

"In this connection, the activities of the Praja Parishad and the agitation carried in India in support of the Parishad deserve mention. The leaders of the organisation played a prominent part in the unfortunate events in Jammu in 1947. They later emerged as a pro-India party demanding State's full integration with India. In December last year they launched a "do or die" agitation for the fulfilment of these demands immediately producing repercussions in Kashmir and the Muslim population all over. The agitation was carried on with vigour with the material support and the moral backing it received in India. This came at a time when the Delhi agreements conferring and confirming a special status on Kashmir in the Indian Constitution had just been drawn up. Pakistan radio and press fully exploited the situation. Added to the agitation, statements of certain Indian leaders were quoted to work up feeling amongst the Muslims. These statements said in effect that in the event of refusal by Muslims to accept the Indian Constitution in its entirety, they had no right to be the nationals of Indian territory—by which they meant Jammu and Kashmir State. The Parishad's anti-Muslim and anti-social past ill-fitted with its new-fangled love of the Indian Constitution and the Indian flag. The support which Parishad received outside the State and the manner in which Parishad leaders were hailed in India made the ordinary Muslim feel whether the Parishad and the Indian Constitution were not complimentary to each other and whether he could at all rely on promises and guarantees which, before the ink on the draft embodying them was dry, were in danger of being forcibly altered if not altogether scrapped. The pro-merger agitation had, therefore, one effect : it weakened our position among the Muslims and literally poured cold water on the efforts of the National Conference to rally Muslim support for India all these years. All my appeals in this connection and even the appeals of Prime Minister of India went in vain.

"I think it is not necessary for me to say the obvious, though I have repeated it so often : it is the Muslims who have to decide accession with India and not the non-Muslims as the latter have no place in Pakistan and, therefore, their only choice is India. My main anxiety and effort has not been to convince the Hindus and Sikhs that their future lay in India—the effort was unnecessary—but the Muslims who form the majority. In this task, I have found myself greatly misunderstood even by those who sincerely desire Kashmir to be part of India. I know of occasions when I have tried to satisfy the legitimate demands of Muslims or reassure their minds about the future when my friends have condemned me as a communalist and a turn-coat. What they expect me to do is difficult to fathom. The question is : must I or not carry the support of the majority community with me? If I must, then it becomes necessary that I should satisfy them to the same extent that a non-Muslim is satisfied that his future hopes and aspirations are safe in India. Unfortunately, apart from the disastrous effects which the pro-merger agitation in Jammu produced in Kashmir amidst the present growing fears and dissatisfaction, the Muslim middle class in Kashmir has been greatly perturbed to see that while the present relationship of the State with India has opened new opportunities for their Hindu and Sikh brothers to ameliorate their lot, they have been assigned the position of a frog in the well. The critics of our policy have made much capital out of the fact that the Muslim representation in the ceded services like the Defence, Posts and Telegraphs services, etc., has deteriorated and not improved in any way. What the Muslim intelligentsia in Kashmir is trying to look for is a definite and concrete stake in India. So the minds of the people in Kashmir have moved from fear to frustration and from frustration to near-disillusionment which I have tried to explain in my recent speeches.

"These are harsh realities of the situation to which I would want the friends of India and Kashmir to be alive. It would hardly serve any purpose were one to shut one's eyes to these realities and believe that all was well and that no effort was required to resolve the situation.

"As far as the leaders of the National Conference are concerned, we stand committed to our principles. Our pledge to the people to emancipate them from every vestige of exploitation remains unaltered. We stand equally for the rights of all, more especially of the downtrodden.

"While the National Conference stands committed to the support that it gave to Instrument of Accession and the Delhi Agreement, the fact

remains that the present situation of suspense has primarily to be resolved. The following factors bear on the situation :—

(1) Will public opinion in India, more particularly overwhelming majorities of the people of Jammu and Ladakh, accept the present relationship based on Instrument of Accession and Delhi Agreements as final and not to be altered in due course by coercion or otherwise;

(2) Would such a relationship not be subject to change because of international factors;

(3) Would all sections of State's people derive equal benefit from such relationship, irrespective of their caste or creed;

(4) Would it be possible under this relationship to overcome the difficulties presented by geography and nature which stand in the way of all-round economic prosperity of the State.

I am sure an objective and dispassionate appreciation of these implications of Kashmir situation will lead us to correct appraisal of the problem and to its practical solution and thus end the present agonising suspense.

# APPENDIX 'III'

## THE KASHMIR ACCORD

The following is the text of the Accord, signed by G. Parthasarthy and Mirza Mohammad Afzal Beg, as representative of the then Prime Minister Mrs. Indira Gandhi and Sheikh Mohammad Abdullah, at New Delhi on November 13, 1974, which paved the way for resumption of power by the latter on February 25, 1975.

1. That State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.
2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.
3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an Order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.
4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of Presi-

dent's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to the laws to be made by Parliament in future under the Proviso to Clause 2 of that Article; the State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are :—

   (a) the appointment, powers, functions, duties, privileges and immunities of the Governor; and

   (b) the following matters relating to Elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage, and composition of the Legislative Council, being matters specified in Sections 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is remitted to the principles.

Sd/-
G. Parthasarthy

Sd/-
Mirza Mohammed Afzal Beg
New Delhi

November 13, 1974.

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